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by
Vincent D. Brown, Clerk

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44	Jack D. Mills	Big Springs	Grain & Fertilizer Dealer	Arthur, Chase, Deuel, Dundy, Garden, Hayes*, Hitchcock, Keith, Perkins
45	Frank Lewis	Bellevue	Teacher	Sarpy*
46	Harold D. Simpson	Lincoln	Milling Employee	Lancaster*
47	Robert L. Clark	Sidney	Merchant	Banner, Cheyenne, Kimball, Morrill, Scotts Bluff*
48	William E. Nichol	Scottsbluff	Credit Bureau	Scotts Bluff*
49	Leslie A. Stull	Alliance	Farmer	Box Butte, Dawes, Sheridan, Sioux, Grant

* Counties divided into two or more districts.

Clerk

Vincent D. Brown . . . . Lincoln

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RULE 1—OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers To Be Elected. At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairman of Committee on Committees
Chairman of Executive Board
Vice-Chairman of Executive Board
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from legislative districts Nos. 1, 2, 15, 16, 23 through 30, 32 through 35, and 46; two from legislative districts Nos. 3 through 14, 20, 31, and 45; and two from legislative districts Nos. 17 through 19, 21, 22, 36 through 44, and 47 through 49. Speaker is member of Board; Chairman of Appropriations is nonvoting member; RRS 50-401.01.

Sec. 2. Officers To Be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms
Chaplain

Officers and employees recommended by the Executive Board, RRS 50-111.

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Officer's Oath. Each permanent officer shall take an oath to support the Constitution of the United States, and the Constitution of the State of Nebraska, and to discharge faithfully the duties of his office according to the best of his ability.

B. Presiding Officer

Sec. 5. President of Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he may preside.

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.
Duties and powers. RRS 50-113.

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairman of the Legislative Council
Chairman of the Committee on Committees
Chairman of Committee on Judiciary
Chairman of Committee on Government, Military and Veterans Affairs
Chairman of Committee on Appropriations
Chairman of Committee on Revenue
Chairman of Committee on Education
Chairman of Committee on Banking, Commerce and Insurance
Chairman of Committee on Public Works
Chairman of Committee on Agriculture and Environment
Chairman of Committee on Public Health and Welfare
Chairman of Committee on Miscellaneous Subjects
Chairman of Committee on Labor
(Cont.)

Chairman of Committee on Urban Affairs
Chairman of Committee on Constitutional Revision
and Recreation

Emergency Succession RRS 50-503 (7)

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.
Addressing the Chair. Rule 2, Sec. 7.
Duties RRS 50-113.

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment. When possible the order for delegation of the presiding officer shall be as set forth in Sec. 6, supra.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a Call of the Legislature.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter Chamber. Rule 2, Sec. 3.

Sec. 12. President Decide Order of Speaking. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to an appeal to the Legislature by any member, on which appeal no member may speak more than once, unless by leave of the Legislature. A majority of the elected members may overrule the Chair.

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business all bills and resolutions passed by the Legislature. All writs, warrants, and subpoenas issued by order of the Legislature shall be under his hand and seal, and attested to by the Clerk.

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his office.

Distribution of material by Clerk. Rule 2, Sec. 3f.
Excuse attendance at committee hearing. Rule 2, Sec. 4.
Power to refer bill back to committee. Rule 6, Sec. 2g.
Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. The Speaker with the approval of the Executive Board shall report to the Legislature the order in which bills and resolutions shall be considered on General File. His orders as approved are final unless changed by a majority vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

For motions to expedite. Rule 6, Sec. 2c.

D. Clerk of the Legislature

Sec. 17. Duties, Journal, Report on Employees. (a) The Clerk of the Legislature shall attend sessions, call the roll, and keep journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily Journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of Bills. Rule 5, Sec. 3.

(c) The Clerk of the Legislature shall make a detailed and itemized report to the Legislature each month concerning the number of employees and the amount paid for their services, especially setting out the amount of regular time and overtime, and to whom paid.

(d) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(e) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Reference Committee.

General Duties. RRS 50-114
Distribute material, when authorized. Rule 2, Sec. 3f.
Fiscal notes, attach to bills. Rule 5, Sec. 6d.
Lobby Registration. RRS 50-308 through 50-318.
File Administrative Rules. RRS 84-904.

Sec. 18. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

For order. Rule 7, Sec. 1b.

(b) The clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, and memorial or other paper presented for the consideration of the Legislature.

Constitutional Amendment, print in full. Const. Art. XVI. Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) Additional copies of the daily Journal, to be mailed at his direction shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(f) The bound Journal of the session shall be prepared from the corrected daily Journal.

(g) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved, under the direction of the Clerk.

(h) A list of lobbyists who are registered shall be set forth in the Journal.

RRS 50-310.
On Registration of lobbyists. RRS 50-308 through 50-318.

Sec. 19. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all of the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115

E. Other Offices

Sec. 20. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the Legislative Chamber.

RRS 50-116

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance at committee hearing. Rule 2, Sec. 4.

Sec. 21. Chaplain. The Chaplain shall attend and shall open with prayer each day's sitting of the Legislature.

RRS 50-120

Sec. 22. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Sec. 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill. The Executive Board shall submit a salary schedule the first day of each session to the Legislature for all temporary employee positions. Such salary schedule shall be considered adopted unless rejected or amended by a majority of the elected members. No further adjustments in individual salaries for temporary employees need to be submitted to the Legislature for that session.

RRS 50-112

RULE 2—RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. These rules shall govern the Legislature. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

Overruling the Chair. Rule 1, Sec. 12.
Presiding officer, duties. RRS 50-113.

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distributions of Material. (a) The Legislative Chamber shall consist of the entire floor of the Legislative Chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

(i) Members of the Legislature and their immediate families.
(ii)Officers and employees of the Legislature.
(iii)Reporters of regularly accredited newspapers and broadcasting stations.

(c) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the Chair.

State officials appearing before committees. Rule 3, Sec. 6.

(d) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the Chair. When bills are being read on Final Reading, no one shall be permitted to be seated beside members of the Legislature.

(e) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

(f) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the Legislative Chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(g) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the Legislative Chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he is a member, unless excused by the Legislature, the Speaker, or the committee chairman. Members who have been excused by the Legislature or the Speaker shall notify their committee chairman that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Absent members may have inserted into the Journal how he would have voted had he been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art. III, Sec. 10.

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he shall rise from his seat and respectfully address himself to "Mr. President." A member shall speak only when recognized and shall confine himself to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he may yield to a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the rules of the Legislature, the presiding officer shall, or any member may, call him to order, in which case he shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed, but not otherwise, and if the case requires it, he shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. No member shall speak more than twice, nor for more than ten minutes on each occasion, upon any one question in debate during the same legislative day, without leave of the Legislature, except in explanation, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3–COMMITTEES

Section 1. Standing Committees Defined. All committees with regular meeting times shall be identified as standing committees. The membership of all standing committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

Sec. 2. Standing Committees, Permanent. The standing committees and the number of members shall be as follows:

Agriculture and Environment	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Constitutional Revision and Recreation	7 members
Education	8 members
Government, Military and Veterans Affairs	8 members
Judiciary	8 members
Labor	7 members
Miscellaneous Subjects	8 members
Public Health and Welfare	7 members
Public Works	8 members
Revenue	8 members
Urban Affairs	8 members

The Speaker shall not be a regular member of any standing committee.

All committee members shall be nominated by the Committee on Committees in such manner as is hereafter set forth.

Committee on Committees. Rule 3, Sec. 17.
Budget–Governor's Bill, Introduction. Rule 5, Sec. 7.
Chairman, Appropriations Committee, Member Executive Board. RRS 50-401.01
Government Committee–Review Civil Defense program. RRS 50-127

Sec. 3. Chairman, Vice-Chairman. (a) The Chairman of each committee shall be selected by secret ballot on the floor of the Legislature.

(b) Each standing committee shall elect from its membership a vice-chairman to serve in the absence of the chairman.

Sec. 4. Meeting Times. Standing committees shall meet at 2:00 p.m., unless otherwise ordered by the Legislature. Any committee chairman before deciding not to hold committee meetings or a committee meeting on an assigned day, must receive permission from the Reference Committee.

Reference Committee. Rule 3, Sec. 19.
Excuse from attendance. Rule 2, Sec. 4.

Sec. 5. Public Hearing, Notice. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill shall have been printed, by publication in the Legislative Journal, of the date and time of said hearings. No bill, having been set for public hearing, shall be withdrawn nor the hearing canceled within seven calendar days' of the date set for said public hearing, except for hearings held during the first 20 legislative days of each session, there shall be required only five calendar days' notice of said hearing or withdrawal of said bill.

Reference of bill to committee. Rule 3, Sec. 20.
Withdrawal of bills before hearing. Rule 5, Sec. 11.

Sec. 6. State Officials Appearing Before Committees. State officials and department heads, or their designee and state employees may appear before any legislative committee.

State officials appearing on chamber floor. Rule 2, Sec. 3.

Sec. 7. Executive Sessions, Press. Executive sessions of standing committees shall be open to the news media.

Reports on votes by a committee shall be as follows:

1. The vote of an individual senator on all motions may be reported.

2. The press may report the vote of individual senators by name on any motion.

Privilege of press on floor. Rule 2, Sec. 3b iii.

Sec. 8. Consideration and Correlation of Bills. Standing committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Standing committees shall be authorized to combine and to correlate the provisions of different bills referred to them and related to the same subject under the number of one of the correlated bills, and may, before taking final action on any bill, adopt amendments thereto, for the consideration of the Legislature.

The chairman of each committee shall take into consideration the importance, need for, and passage of the bills referred to his committee and set the bills for hearing accordingly.

Review of workload by Committee on Committees. Rule 3, Sec. 17f.

Sec. 9. Debate Before Committees. Each standing committee shall keep a record of its proceedings. Any two members of the committee may demand a roll call upon the reporting of any bill, or upon amendments thereto. The vote so taken shall be made a part of the committee report.

Sec. 10. Request From Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a report from any standing committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty days or more after the committee hearing, and by a vote of a majority of the elected members, said bill shall be placed on General File.

(c) Any time the introducer of a bill attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed if the motion fails to receive a majority vote of the members elected to the Legislature.

Sec. 11. Report of Bill to Legislature. In reporting a bill to the Legislature, whether with or without amendments, a standing committee shall, by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled committee meetings only. A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has acted upon the particular measure. No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the bill drafter.

Sec. 12. Indefinitely Postponed Bills. If the standing committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; Provided, that such bill may be placed on General File or referred back to the standing committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 13. Statement of Intent. Each standing committee with the assistance of the legislative staff shall, when reporting a bill, submit therewith a brief statement of the main purpose and the provisions of the bill, and, if recommended to General File, a copy of all amendments recommended by the committee. Such statement shall give the committee's reason for so reporting. A minority view signed by whoever proposed it may also be given. Copy of amendments shall be furnished to the members. On a motion to report the bill to the floor the majority report shall reflect the voting record of each senator.

Sec. 14. Temporary Appointments. (a) When a member is unable to serve, the chairman of such committee after a majority vote of the remaining members shall request to fill such vacancy or vacancies. The request shall be made to the Committee on Committees and such committee shall appoint either the Speaker, or a member from a regular standing committee having eight members to fill such vacancy or vacancies.

(b) A temporary appointment may be made by the chairman of the Committee on Committees for only one day when requested by a chairman of a regular standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member or members, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he was appointed.

Sec. 15. Select Committees, Defined. All permanent committees without a regular meeting time shall be identified as select committees. The members of all select committees shall be appointed by the Committee on Committees unless otherwise provided for by statute or rule.

Sec. 16. Select Committees, Named. The permanent select committees shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	5 members

Committee on Committees. Rule 3, Sec. 17.
E & R. Rule 3, Sec. 18.
Reference Committee. Rule 3, Sec. 19.
Rules Committee, Review of Amendment to Rules. Rule 2, Sec. 2.

Sec. 17. Committee on Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairman, and three from District No. 1 consisting of legislative districts Nos. 1 through 3, 25 through 30, 32, 45, and 46; three from District No. 2 consisting of legislative districts Nos. 4 through 14, 20, and 31; three from District No. 3 consisting of legislative districts 15 through 19, 21 through 24, 34, 35, and 40, and three from District No. 4 consisting of legislative districts 33, 36 through 39, 41 through 44, and 47 through 49.

(b) The Committee on Committees by a majority vote of all of its members, shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as set forth, unless otherwise provided for herein or by statute.

(c) Committee on Committees shall publish a schedule of regular standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to such committees.

(d) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature, shall be referred to the Committee on Committees, and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

73-74 Attorney General Opinion No. 56 – Need 25 votes to disapprove.

(e) The chairman of the Committee on Committees shall daily report the number and identity of any bills held by a committee when said committee has taken action on said bill more than eight days prior thereto. Said report shall be set forth in the Journal.

(f) The Committee on Committees shall have authority to call before it a committee chairman and discuss the workload of said committee. They shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairman. The Committee on Committees shall conduct said hearing in accordance with its own rules.

See Rule 3, Sec. 3 a for selection of chairman.
See Rule 3, Sec. 3 b for selection of vice-chairman.

Sec. 18. Enrollment and Review. (a) The chairman of Enrollment and Review shall be in order at any time in reporting bills which have been engrossed for Final Reading and passage. In the absence of the chairman, the vice-chairman of the Judiciary Committee shall assume the duties of the chairman of the Enrollment and Review Committee.

(b) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(c) The chairman of Enrollment and Review shall have authority, without being required to include the same specifically in his reports and recommendations to the Legislature, in accord with accepted usage:

i To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.

ii To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

iii When an amendment to add the emergency clause is adopted on Select File which does not spell out the standard emergency clause and make the necessary change in the title, the chairman of Enrollment and Review shall also have the authority to add to the engrossed bill the standard emergency clause, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his reports and recommendations to the Legislature or making any special record thereof.

For amendments to title. Rule 7, Sec. 3c.
For engrossment of bill. Rule 5, Sec. 9.

Sec. 19. Reference Committee. The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the bill to a standing committee or to General File.

Those placed on General File will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these bills, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Reference of resolutions. Rule 4, Sec. 8.

Sec. 20. Objection to Reference of Bills. Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

Sec. 21. Special Committees. Special committees shall include all permanent committees other than standing or select committees. The special committees shall include but not be limited to the following:

Intergovernmental Cooperation. RRS 81-816	5 members
Nebraska Retirement Systems. RRS 50-416	5 members
Conflict of Interest. RRS 49-1105	4 senate members
Law Enforcement and Justice Advisory Committees, Judiciary Committee. RRS 50-601	8 members
Nebraska Transportation Advisory Committee. RRS 50-421	5 members
Education Commission of the States. RRS 79-2504	4 members
Administrative Rules Committee. RRS 84-908 (Chosen by Legislature)	7 members

Sec. 22. Investigating Committees. The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Sec. 23. Nebraska Retirement Systems Committee. The Nebraska Retirement Systems Committee together with the chairman of the Appropriation Committee shall function during each legislative session as a special committee of the Legislature, shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions. All rules of procedure and operation of the standing committees shall apply, except as to a date certain for holding hearings.

RRS 50-416

Sec. 24. Intergovernmental Cooperation. In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Sec. 81-816, the Executive Board may appoint alternate members to serve on such assignments as the chairman shall direct.

RULE 4—RESOLUTIONS

Section 1. Identifications. A resolution shall be designated as Legislative Resolution____. All resolutions shall be numbered consecutively for each

Sec. 5. Resolutions shall lie over for consideration at least one legislative day after introduction.

Sec. 6. Only those resolutions specified in sections 2 and 3 of this Rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lt. Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 7. Reference to Committee. Resolutions other than those covered by Secs. 2 and 3 of this rule may be referred to a committee if a motion to do so is adopted by a majority of the elected members.

Sec. 8. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter.

For public hearing. Rule 3, Sec. 5.

Sec. 9. A committee, when reporting out a resolution shall attach thereto a statement setting forth what is sought to be accomplished and the committee vote. The statement shall be set out in full in the Journal.

Emergency seat of government; Resolution providing for, must be signed by Governor. RRS 23-2103, 1943, by Governor.

RULE 5—BILLS—GENERAL PROVISIONS

Section 1. Drafting of Bills. The bill drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the bill drafter. The bill drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the bill drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. (a) A bill shall be designated as Legislative Bill No.____.

Style of bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject, and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 14.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the Statutes or Constitution.

Sec. 3. Revisor Correctional Bills, Pre-Printing. (a) Preceding each legislative session, the chairman or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the senator who, in the preceding session served as chairman of the Judiciary Committee, shall sign as introducer the Revisor of Statutes correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. Members shall introduce only such bills as they are willing to endorse and support personally. Not more than three senators shall sign any single bill; Provided that, this limitation shall not apply to committee bills, to Legislative Council bills, and to Revisor of Statutes correctional bills. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any additional signers shall be by the suspension of the rules with a machine vote and cannot be made by unanimous consent.

Sec. 5. Introduction of Bills, Ten Day Limitation. (a) Except as provided in Rule 5, Sec. 6, no bill shall be introduced after the tenth legislative day during sessions in odd-numbered or even-numbered years, except as hereinafter provided.

(b) A bill may be introduced at the request of the Governor at any time. A standing committee or special committee may introduce a bill for any purpose including at the request of another senator provided said bill receives the endorsement of a majority of the committee members, whose names shall be on the bill and the motion to introduce the bill receives a vote of three-fifths of the elected members of the Legislature.

(c) A copy of intent of a bill recommended for introduction by a committee must be placed on each member's desk before such introduction of bill is voted upon.

(d) In regular sessions each member shall be limited as an introducer or co-introducer to a total of 10 bills for the period of introduction of bills by individual members. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of 10 bills; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members. Bills introduced under Rule 5, Sec. 3a will not be included in the limitation.

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact of more than five thousand dollars shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk within ten calendar days of receipt of a copy of the bill for analysis. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by a committee or the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note.

(f) When the Legislative Fiscal Analyst determines that the fiscal impact of a bill will be less than five thousand dollars, it shall not be necessary to prepare a detailed fiscal note, and the fiscal note may merely state this fact.

(g) When any bill proposes adoption of a new program or change of an existing program which would require an appropriation of $50,000 or more to implement in the ensuing fiscal year an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared by the Fiscal Analyst and be placed on General File and considered as introduced by the introducer of the original bill at the time the original bill is reported to General File, shall bear the number of the original bill with the letter "A" added (for example LB 1A), and shall accompany the original bill through all stages of the legislative process. However, if the original bill is reported by committee to General File with committee amendments, the "A" bill shall be introduced by the committee which is reporting the original bill to the floor and placed on General File. The "A" bill accompanying the original shall include the funding required by the committee recommended amendments. No vote, suspension of the rules, or unanimous consent shall be required for the introduction of an "A" bill. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading. The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(h) The note shall be factual in nature, as brief and concise as may be, and shall if possible provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

For creation of position. RRS 50-418.
For duties of position. RRS 50-419.

Sec. 7. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

Governor's Budget message.
Const. Art. IV, Sec. 7.

Sec. 8. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage.

Const. Art. III, Sec. 14.

Sec. 9. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 10. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Salaries of employees. Rule 1, Sec. 22.

Sec. 11. Withdrawal of Bills. No bill, having been introduced may be withdrawn except upon motion of the first introducer with the consent of his co-introducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

Withdrawal of bills set for hearing. Rule 3, Sec. 5.

Sec. 12. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 13. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

RULE 6—BILLS—STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction the Clerk shall deliver bills requiring reference to the Reference Committee.

Sec. 2. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall next be considered, after which he may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Sec. 3.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Sec. 16.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

(e) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(f) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(g) If in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action he may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any rule to the contrary notwithstanding any motion to amend a bill shall require a majority vote of the elected members.

(h) Any bill failing to receive 25 votes to be advanced to E & R Initial after three attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on General File:

UC-Unanimous Consent; MEM-Majority of Elected Members; MTV-Majority of those voting.

GENERAL FILE

On introduction of bill, Motions to		Rule-Sec.
Add names as introducers	UC	5-4
More than 3, Suspension of Rules		
Place on General File without public hearing	MEM	3-19
Withdraw bill	MTV	5-11
On consideration of bill on General File		
Move to pass over	MTV	6-2d
Move to change order	MEM	
Move to IPP before bill is read	MEM	6-2e
Move to IPP after bill is read	MTV	
Move to Advance to E & R Review	MEM	6-3
Move to return to Committee	MEM	
Move to Reconsider		
(within one legislative day thereafter)	MEM	7-7a
(If after one legislative day, by suspension of the rules only)		7-7a
Move to expedite	UC	

Move to amend	MEM	6-2g
Move to amend the Amendment	MTV	
Move to withdraw bill-first introducer	MTV	5-11
If returned from Select File		
Motion to return to Select File	MEM	6-4d
Motion to amend	MEM	6-2g
Motion to advance	MEM	6-3
Move to return to E & R for Engrossing	MEM	6-4d
Defeated bill, motion to reconsider	MEM	7-7
Returned from Final Reading		
Advance to Final Reading (if no amendments)	MEM	

Withdrawal of bills. Rule 3, Sec. 5.

Sec. 3. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrance of a majority of the elected members.

Sec. 4. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the chairman of Enrollment and Review.

(b) A motion to adopt an amendment which shall require a majority of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to recommit to General File for one or more amendments. If the motion to return is adopted the bill shall be considered first on General File. Any motion may be made the same as when the bill was first on General File. If the bill is readvanced, it shall be given priority consideraton by E & R. If the bill is not altered, it may be advanced to E & R for engrossment.

(e) A motion to postpone indefinitely.

(f) Motions made pursuant to subsections b, c, d, and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(g) Amendments recommended by E & R shall not be read by the Clerk except upon the request of a member of the Legislature.

(h) Notwithstanding any other provision contained in this section, if the E & R Committee returns a bill to Select File from engrossment, then only the specific enrollment and review amendments may be considered.

The following votes shall be required to adopt the following motions affecting bills on Select File:

SELECT FILE

		Rule-Sec.
Motion to advance to E & R for Engrossing	MEM	
if machine vote requested	MEM	6-4d
Motion to act on E & R amendment	MTV	6-4a
Motion to amend	MEM	6-4b
Motion to recommit to a standing committee	MEM	6-4d
Motion to return to General File for amendment	MEM	6-4d
Motion to Indefinitely Postpone	MEM	6-4e
On bill returned from E & R Engrossing & Final Reading		
Motion to return for specific amendment	MEM	6-5
Motion to adopt specific amendment	MEM	6-5

Sec. 5. Return to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority of the elected members.

Sec. 6. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

(b) Two legislative days after its reference to Final Reading file.

(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 7. Final Reading, Motions. On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(a) To recommit the bill to Enrollment and Review to correct an error and for re-engrossment.

(b) To recommit the bill to the proper standing committee, with or without instructions.

(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members; Provided, however, if the proposed amendment be to add the emergency clause, it may only be adopted by a vote of two-thirds of the elected members.

(d) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment & Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Sec. 3g.
No one to be seated beside member during Final Reading. Rule 2, Sec. 3d.

Sec. 8. Question on Final Reading. The question after the Final Reading of bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' " If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 9. Emergency Clause, Votes Requested. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 10. Governor's Veto, Reconsideration. Upon the day of receipt of a message from the Governor announcing his veto of a bill, or on either of the next five legislative days, any member may move that the bill so vetoed be taken up for passage. Whereupon, the question shall be, "Shall the bill pass, notwithstanding the objection of the Governor?"

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

Sec. 11. Bills, Passed Over Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

The following votes shall be required to adopt the following motions on Final Reading:

FINAL READING

		Rule-Sec.
To return to standing committee	MEM	6-7
To return to E & R to correct an error	MEM	6-7
To return to Select File for specific amendment	MEM	6-5
Unless to add the emergency clause	2/3	6-7
To pass on Final Reading	MEM	6-8
With Emergency clause attached	2/3	6-9
Creation of State Office *Const. Art. IV, Sec. 27*	2/3	
Motion to reconsider (when failed on Final Reading)	3/5	7-7
To add the emergency clause	2/3	6-7
Override Governor's veto	3/5	6-10
"A" bills considered first		5-6g

RULE 6

Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality. RRS 49-236.

RULE 7—PROCEEDINGS AND MOTIONS

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators.

Const. Art. III, Sec. 10.

Each day the Legislature convenes shall be considered a legislative day.

(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.

a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the Journal
d. Petitions and memorials
e. Notice of committee hearings and reports
f. Bills on Final Reading
g. Resolutions
h. Introduction of bills and reading by title
i. Consideration of bills on Select File
j. Motions to reconsider
k. Motions to advance bills from committee
l. Other pending motions
m. Unfinished business, including messages on President's desk
n. Consideration of bills on General File
o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) When a bill shall have been made a special order for a definite time and an adjournment shall intervene for a time beyond the time fixed for such special order, then in that event the bill so made a special order shall be placed in its order on General File. The unfinished business in which the

Legislature was engaged at the adjournment of the last preceding sitting shall have preference in the special order of the day.

(e) Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills.

Introduction of bills. Rule 6, Sec. 1.

(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay'."

(b) If a machine vote is called for or if the presiding officer is in doubt, he shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the House while the House is under Call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

Voice votes shall be accepted on Final Reading.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used.

(d) Whenever the "ayes" and "nays" are taken by machine vote no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote the Clerk shall announce the ayes, the nays, those present and not voting, and those absent and not voting. Any member may request a roll call or a record vote and further that the same be verified.

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To adjourn
b. For the previous question
c. To postpone to a time certain
d. To recommit to a committee
e. To amend
f. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on Select File
b. Motion to advance bills from committee
c. Motion to place bills on General File, notwithstanding the action of a standing committee

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be in order when demanded by five or more members and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

Sec. 5. Call of the Legislature. A Call of the Legislature may be made by any member in the manner following: "I move for a Call of the Legislature." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under Call. If a majority of the senators present and voting vote in favor of such a motion then the Legislature shall be deemed to be under Call. Each member present shall indicate his presence upon the electric roll call system and shall remain in his seat during the Call. After the Clerk shall note the names of the absentees, proceedings under the Call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. If all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the Call raised.

Lieutenant Governor votes only when Legislature equally divided. Rule 1, Sec. 14.
Voice vote while House under Call. Rule 7, Sec. 2b.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Sec. 3.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to adjourn.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.

ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:

a. While a member is speaking.
b. When a motion to adjourn has just been defeated.
c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.

When a motion to adjourn has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion, otherwise a motion to adjourn is not debatable.

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TITLES TO BILLS

Titles to Bills Introduced in the Eighty-Fourth Legislature of Nebraska, First Session, 1975 and Pending Before the Eighty-Fourth Legislature of Nebraska, Second Session, 1976

FINAL STATUS ON BILLS
on
January 7, 1976

GENERAL FILE: 37 76 91 120 148 167 174 176 177 180A 197 202 210 219 225 232 248 265 266 272 275 275A 280CA 299 310 313 339 343 346 348 350 372 382 388CA 398 405 405A 412 413 431 432 433 434 440 441 444 445 451 454 455 458 460 464 485 487 488CA 495 499 502 503 514 515 519 521 533 534 535 544 545 546 561 565 569 579 581 583 584 586 587 590 596 597 608 613

ENROLLMENT & REVIEW INITIAL:

SELECT FILE: 425 477 383 491 7 574 329 386 175 536 394 409

ENROLLMENT & REVIEW FINAL: 204

FINAL READING: 30 180 239

BILLS HELD BY COMMITTEE:
Agriculture: LR1 319 332 559
Appropriations: LR17 314 390 442 471 549 552 554
Banking: 399 465 512 602
Constitutional Revision & Recreation: LR8CA 296 576
Education: 178 364 456 462 592 594
Government: 144 182 516 531 539 591 595
Highway Advisory: LR26
Judiciary: LR44 250 338 373 479 540 558 568 570 585 601
Labor: None
Miscellaneous Subjects: 228 326 385 411 505 524 566
Nebraska Retirement Systems: 29 33 40CA 64 89 358 532
Public Health: 25 65 159 450 602
Public Works: 146 147 268 478
Revenue: 124 362 506
Telecommunications: 426
Urban Affairs: 84 154 161 459

e – emergency clause
A – appropriation bill
CA – Constitutional Amendment

Prepared by

Vincent D. Brown
Clerk of the Legislature

2

RESOLUTIONS

LEGISLATIVE RESOLUTION 1.

Introduced by Swigart, 8th District.

WHEREAS, critical starvation conditions prevail in both Asia and Africa causing tens of thousands of our fellow human beings to die; and

WHEREAS, particularly in the sub-basin areas of Africa thousands of animals have died of food and water shortages, thus depleting herds for future human needs; and

WHEREAS, the earth in such areas is cracked and parched to such condition as to require many years to regenerate to a productive capacity; and

WHEREAS, no nation or group of nations has come forward with a cohesive plan to solve these catastrophic human needs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature and Governor of the State of Nebraska hereby request the government of the United States to formulate and adopt a comprehensive plan for resolving world starvation problems. Such plan should include the following elements:

a. The United States take immediate steps to increase its quota of contributions to the starving of the world; and that the government urge all other nations to do the same.

b. The United States government representatives meet with representatives of the midwestern grain state governments in a cooperative effort to provide more food for the starving.

c. That the United States government establish a policy to aid stricken nations in their efforts to rebuild damaged soil, aid in rebuilding their depleted herds of animals, and to invoke modern methods of agriculture to enable self sustenance for the future.

d. The United States government develop a long term policy of working with all receptive nations where critical over population exists and information, education, and other aids which will bring about controls of overpopulation of the world.

LEGISLATIVE RESOLUTION 8. Introduced by Bereuter, 24th District.

A Resolution to propose an amendment to Article XII of the Constitution of Nebraska by adding thereto a new section 8 to prohibit corporations from engaging in the business of farming or agriculture; to provide an exclusion for family farm corporations; and to permit the Legislature to exempt such other corporations as they determine to be in the best interest of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November, 1976, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XII, of the Constitution of Nebraska, adding a new section 8 thereto, which is hereby proposed by the Legislature:

"Sec. 8. No corporation, domestic or foreign, shall engage in the business of farming or agriculture, except the Legislature shall exempt family farm corporations and may exempt such other corporations as they determine to be in the best interest of the state."

Section 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to prohibit corporations from engaging in the business of farming or agriculture, providing an exclusion for family farm corporations, and permitting the Legislature to exempt such other corporations as they determine to be in the best interest of the state.
>
> For
> Against"

Section 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 17.

Introduced by Goodrich, 20th District; Nichol, 48th District; Simpson, 46th District; Luedtke, 28th District; Kremer, 34th District; Moylan, 6th District; George, 16th District; Stoney, 4th District; Burrows, 30th District; Johnson, 15th District; Swigart, 8th District; DeCamp, 40th District; Rumery, 42nd District; Fowler, 27th District; Warner, 25th District; Rasmussen, 41st District; Anderson, 37th District; Fitzgerald, 14th District; R.,Lewis, 38th District; Chambers, 11th District; Cavanaugh, 9th District; Dickinson, 31st District; F.,Lewis, 45th District; Syas, 13th District; Savage, 10th District; Barnett, 26th District; Mills, 44th District; Skarda, 7th District; Kime, 43rd District.

WHEREAS, the Department of Public Welfare on March 1, 1975 intends to implement a new percentage rate that service workers may authorize and pay to subsidize day care service recipients; and

WHEREAS, the implementation of such proposed fee schedule will greatly reduce the amount of money available to day care service consumers; and

WHEREAS, the proposed fee schedule will jeopardize the quality and continuance of day care programs in Nebraska; and

WHEREAS, the hardships inflicted by implementation of such schedule will rest most heavily upon low income citizens least able to pay for quality day care services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature direct that the proposed fee schedule shall not be implemented.

2. That the present fee schedule for day care services shall be retained.

LEGISLATIVE RESOLUTION 26.

Introduced by Warner, 25th District.

WHEREAS, the Congress of the United States enacted Public Law 156 on July 11, 1916, and the Congressional Federal Aid Acts, Federal Highway Acts, and Federal Aid Highway Acts subsequent to that date, which acts provide that the federal government shall aid the states, and the political subdivisions of the states, in the construction of roads and streets; and

WHEREAS, the Nebraska Legislature has reaffirmed its continuing assent to the federal acts, referred to above, and amendments thereto; and

WHEREAS, a substantive portion of the federal acts, referred to above, states that fifty per cent of federal aid for highway construction is intended for use by the political subdivisions of this state; and

WHEREAS, the Seventy-seventh Legislature, 1967, adopted Legislative Bill 918, and the Eightieth Legislature, 1969, adopted Legislative Bill 692, now sections 39-1306 to 39-1306.02, Reissue Revised Statutes of Nebraska, 1943, in order to implement and promote the provisions of the federal acts and to assist the political subdivisions in the proper use of federal aid highway funds; and

WHEREAS, the intent of the legislative bills, cited above, was that political subdivisions, particularly the counties of this state, shall receive and use all of the fifty per cent of federal funds available to them and that none of those funds revert to the Department of Roads; and

WHEREAS, the Department of Roads, pursuant to law, adopted and promulgated policies and regulations for the administration, allocation and reallocation of federal aid highway funds to political subdivisions; and

WHEREAS, the purpose of those policies and regulations was to insure that the cities and counties of this state could receive the entire amount of federal aid highway funds available specifically for political subdivisions; and

WHEREAS, the Department of Roads, without the consent of county officials, changed the policy regarding the allocation and reallocation of federal aid highway funds to counties and implemented this new policy; and

WHEREAS, because of the adoption and implementation of the new policy, the counties of this state have been deprived of federal aid highway funds which have reverted to and have been used by the Department of Roads; and

WHEREAS, section 84-904, Revised Statutes Supplement, 1974, provides that agency rules may be considered by the Legislature and any rule may be repealed, changed, altered, amended, or modified in such manner as the Legislature deems advisable; and

WHEREAS, the new policy of the Department of Roads regarding the allocation of federal aid highway funds to counties has been studied; and

WHEREAS, the conclusion of the study indicates that the new policy is detrimental to the best interests of the counties and the State of Nebraska, generally.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the new policy regarding allocation of federal aid highway funds to counties adopted by the Department of Roads on November 20, 1973, be rescinded, and that the former policies adopted and promulgated by the Department of Roads to carry out the purposes of federal acts and state laws regarding federal aid highway funds to counties be reinstated and implemented.

2. That the Department of Roads, with due dispatch, take all necessary steps to provide the counties of this state with (a) with their last three years allocated by unexpended federal aid highway funds, and (b) five million dollars of previously allocated and unexpended federal aid highway funds.

3. That the Legislature take whatever steps are necessary to insure that the intent of federal acts, state statutes, and former policies and regulations of the Department of Roads are carried out, and that the counties of this state receive all the federal aid highway funds intended to be used by political subdivisions.

4. That the Department of Roads and counties are hereby instructed to develop in cooperation, policies and procedures to be implemented that will (a) insure that counties be allocated all available funds as intended by law and (b) encourage maximum usage of allocated and unexpended, and previously allocated and unused (pool) federal aid highway funds.

5. That a copy of the policies and procedures adopted pursuant to this Resolution be furnished to the Legislature.

LEGISLATIVE RESOLUTION 44.

Introduced by George, 16th District.

WHEREAS, the State of Nebraska was given civil and criminal jurisdiction over Indians and Indian country in this state by the Act of Congress of August 15, 1953, generally known as Public Law 280; and

WHEREAS, the assumption of such jurisdiction has led to steadily increasing cost for law enforcement in Thurston County, Nebraska; and

WHEREAS, an overwhelming percentage of the criminal offenses which occur in Thurston county involve Indians within the boundaries of the Indian reservations of Thurston County, Nebraska; and

WHEREAS, law and order on the Winnebago Indian Reservation could be adequately maintained and enforced by a law enforcement organization of the Winnebago Tribe of Nebraska with the assistance of the Bureau of Indian Affairs; and

WHEREAS, the Winnebago Tribe can adquately handle civil disputes arising within the Winnebago Indian Reservation among and between Indians; and

WHEREAS, the Legislature of Nebraska in its Eightieth regular session passed Legislative Resolution 37 which offered a retrocession of jurisdiction to the United States over offenses committed by or against Indians in the Indian country in Thurston County, Nebraska; and

WHEREAS, in 1969 the Thurston County Board of Supervisors urged retrocession on the Winnebago Tribe, which at that time preferred to remain under state jurisdiction in order to study the matter in more detail, but has now decided it wants criminal and civil jurisdiction returned to the Winnebago Tribe and the United States; and

WHEREAS, section 403 (a) of Public Law 90-284 authorized the United States to accept a retrocession by any state of all or any measure of the criminal or civil jurisdiction, or both, acquired by that state pursuant to Public Law 280; and

WHEREAS, a committee of members of the Legislature appointed by the Executive Board of the Legislative Council following adoption of Public Law 90-284 has studied the problems of law enforcement on the Winnebago Indian Reservation and the question of a retrocession of criminal and civil jurisdiction and has met with leaders of the Winnebago Tribe, County officials and officials of the Bureau of Indian Affairs and recommends passage of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the State of Nebraska hereby retrocedes to the United States all criminal and civil jurisdiction within the Winnebago Indian Reservation acquired by the State of Nebraska pursuant to Public Law 280 of 1953, except as provided in paragraphs 2, 3, and 4 of this resolution.

2. That the existing municipal law enforcement authorities within the Winnebago Indian Reservation are deemed fit and proper to maintain law and order within their respective municipalities and their jurisdiction will remain, concurrent with that of the United States.

3. That the State of Nebraska, through the State Highway Patrol, shall retain concurrent jurisdiction with the United States over any offenses involving the operation of motor vehicles on state and county roads or highways with the Winnebago Indian Reservation.

4. That this retrocession of jurisdiction will apply prospectively upon adoption by the Nebraska State Legislature and acceptance by the Secretary of Interior.

5. That the Executive Board of the Legislative Council is hereby authorized and directed to take all necessary action to present this resolution to the United States Government and to cooperate with the Winnebago Tribe in its implementation.

BILLS

LEGISLATIVE BILL 7. By Executive Board: Mahoney, 5th District, Chairman; Savage, 10th District; Stull, 49th District; Kremer, 34th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 76-1449, Revised Statutes Supplement, 1974, relating to the Uniform Residential Landlord and Tenant Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 25. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 71-173, Revised Statutes Supplement, 1974, relating to the practice of podiatry; to redefine the practice of podiatry as prescribed; and to repeal the original section.

LEGISLATIVE BILL 29. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; Luedtke, 28th District; F. Lewis, 45th District; Marvel, 33rd District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 84-1307, Revised Statutes Supplement, 1974, relating to the State Employees Retirement Act; to change provisions relating to membership of the retirement system as prescribed; and to repeal the original section.

LEGISLATIVE BILL 30. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; Luedtke, 28th District; F. Lewis, 45th District; Marvel, 33rd District; Goodrich, 20th District.

(Engrossed)

A BILL FOR AN ACT to amend sections 79-1509, 79-1510, 79-1527, and 79-1537, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to change membership and termination provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 33. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; Luedtke, 28th District; F. Lewis, 45th District; Marvel, 33rd District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 79-1529, Reissue Revised Statutes of Nebraska 1943, relating to the school retirement system; to change the manner in which the retirement allowance shall be determined; and to repeal the original section.

LEGISLATIVE BILL 37. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Luedtke, 28th District; Goodrich, 20th District; Stull, 49th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 44-1615, Reissue Revised Statutes of Nebraska, 1943, relating to group insurance; to change the life insurance coverage provisions as prescribed; and to repeal the original section, and also section 44-1618, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 40. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; F. Lewis, 45th District; Marvel, 33rd District; Goodrich, 20th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to provide that members and employees of the Legislature may be included in an existing retirement system for state officers and employees; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 64. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Stull, 49th District; F. Lewis, 45th District; Luedtke, 28th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 44-1622, Reissue Revised Statutes of Nebraska, 1943, and section 44-1623, Revised Statutes Supplement, 1974, relating to group insurance; to change provisions relating to insurance contracts; to provide duties of the Director of Personnel as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 65. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend sections 71-3807, 71-3818, and 71-3820, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of psychology; to provide the board with greater discretion in fixing licensing fees; to provide powers and duties of the board; and to repeal the original sections.

LEGISLATIVE BILL 76. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 79-1531, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to provide that deposits in the School Employees' Savings Fund may be made by the school district; and to repeal the original section.

LEGISLATIVE BILL 84. By Barnett, 26th District.

A BILL FOR AN ACT relating to cities of the primary class; to authorize cities of the primary class to create certain business districts; to provide procedures; to provide powers; to allow expenditures; to provide for taxation; and to authorize bonds.

LEGISLATIVE BILL 89. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 79-1522, Revised Statutes Supplement, 1974, relating to the school retirement system; to change provisions relating to a service annuity as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 91. By Simpson, 46th District.

A BILL FOR AN ACT to adopt the Uniform Standard Code for Mobile Home Parks.

LEGISLATIVE BILL 120. By Koch, 12th District.

A BILL FOR AN ACT to amend sections 17-107.01, 17-203.01, 32-4,147, 32-504.02, 32-505, 32-506, 32-530, and 79-2203, Reissue Revised Statutes of Nebraska, 1943, and sections 16-302.01, 23-343.25, 79-426.19, 79-701, and 79-706, Revised Statutes Supplement, 1974, relating to elections; to provide for a September primary election; to provide for voting the ballot of either political party; to repeal the original sections, and also section 19-434, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 124. By Keyes, 3rd District.

A BILL FOR AN ACT relating to revenue and taxation; to provide for a five per cent tax on income from intangible property; to define terms; to prescribe duties for the Tax Commissioner; and to provide for administration of collection.

LEGISLATIVE BILL 144. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend sections 32-514 and 32-535, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to provide for current residency statements by partisan candidates for elected office; and to repeal the original sections.

LEGISLATIVE BILL 146. By Koch, 12th District.

A BILL FOR AN ACT to amend section 39-1304.02, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to provide additional situations under which the cost of changing or moving utility facilities are paid by the state; and to repeal the original section.

LEGISLATIVE BILL 147. By Murphy, 17th District.

A BILL FOR AN ACT to amend sections 57-1101 and 57-1103, Reissue Revised Statutes of Nebraska, 1943, relating to eminent domain for pipe lines; to expand provisions to include the transportation of coal or products thereof; and to repeal the original sections.

LEGISLATIVE BILL 148. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 43-607, Revised Statutes Supplement, 1974, relating to infants; to include all handicapped children in an existing transportation program as prescribed; and to repeal the original section.

LEGISLATIVE BILL 154. By Nichol, 48th District.

A BILL FOR AN ACT relating to public utilities; to authorize the creation of underground wiring districts as prescribed; to provide duties; to provide for special assessment; and to provide administration.

LEGISLATIVE BILL 159. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Cavanaugh, 9th District; Moylan, 6th District; R. Lewis, 38th District; Kelly, 35th District; Maresh, 32nd District; Fowler, 27th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Nebraska Mental Health Commitment Act; to define terms; to provide for voluntary treatment of a mental disorder; to provide for commitment of a dangerous mentally ill person through judicial process; to provide for appeal of a judicial order; to prescribe rights of individuals;; to amend sections 83-1,141, 83-1,144, 83-1,146, 83-218, 83-220, 83-307, 83-308.02, 83-338, 83-348, 83-349, and 83-351, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1,142, 83-1,143, 83-1,143.01 to 83-1,143.07, 83-1,144.01, 83-305, and 83-306, Revised Statutes Supplement, 1974; and to repeal the original sections and also sections 83-221, 83-222, 83-223, 83-312, 83-317 to 83-322.01, 83-324 to 83-328.01, 83-328.03, 83-332 to 83-336, 83-340.01 to 83-344, 83-350, 83-357, and 83-381 to 83-390, Reissue Revised Statutes of Nebraska, 1943, and sections 83-323, 83-323.01, 83-328.02, and 83-337, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 161. By Wiltse, 1st District.

A BILL FOR AN ACT relating to laws applicable to all cities and villages; to provide conditions for holding office on village boards or city councils.

LEGISLATIVE BILL 167. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 77-2703 and 77-2715.01, Revised Statutes Supplement, 1974, relating to taxation; to provide that the Legislature shall set the income and sales tax rates; to set such rates; to provide for an annual report by the Tax Commissioner; and to repeal the original sections.

LEGISLATIVE BILL 174. By Burbach, 19th District.

A BILL FOR AN ACT to amend section 81-1219, Revised Statutes Supplement, 1974, relating to the Commission on Indian Affairs; to provide for quarterly meetings of the commission; to provide penalties for failure to attend meetings; to create an executive board of the commission; to establish an interim study committee; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 175. By Fowler, 27th District.

A BILL FOR AN ACT relating to cities of the primary class; to provide for supplemental pension payments for firemen and policemen; and to declare an emergency.

LEGISLATIVE BILL 176. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 81-1329, Revised Statutes Supplement, 1974, relating to the personnel system; to provide for minimum salary requirements for state employees; and to repeal the original section.

LEGISLATIVE BILL 177. By Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 8-403.03, 8-435, 8-439, and 8-446, Revised Statutes Supplement, 1974, relating to industrial loan and investment companies; to change directors' qualifications; to change interest provisions on installment loans as prescribed; to provide additional expenses borrowers may be required to pay; to extend the loan repayment period; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 178. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 79-449, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the procedure for expulsion or suspension of a pupil; and to repeal the original section.

LEGISLATIVE BILL 180. By Burbach, 19th District; Carsten, 2nd District;

(Engrossed)

A BILL FOR AN ACT relating to agriculture; to create the Nebraska Soil Survey Fund; to declare intent; and to provide for expenditures from the fund.

LEGISLATIVE BILL 180A. By Burbach, 19th District; Carsten, 2nd District.

A BILL FOR AN ACT to approriate funds to aid in carrying out the provisions of Legislative Bill 180, Eighty-fourth Legislature, First Session, 1975.

LEGISLATIVE BILL 182. By Kelly, 35th District.

A BILL FOR AN ACT relating to elections; to make provisions governing campaign receipts and expenditures; to create the State Campaign Finance Commission; and to provide a penalty.

LEGISLATIVE BILL 197. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 39-1106, Reissue Revised Statutes of Nebraska, 1943, relating to the State Highway Commission; to increase the compensation paid to members of the commission; and to repeal the original section.

LEGISLATIVE BILL 202. By Burbach, 19th District.

A BILL FOR AN ACT to amend section 68-1022, Reissue Revised Statutes of Nebraska, 1943, relating to pauper and public assistance; to no longer require counties to provide medical assistance, as prescribed; and to repeal the original section.

LEGISLATIVE BILL 204. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 53-103 and 53-168, Reissue Revised Statutes of Nebraska, 1943, and section 53-117, Revised Statutes Supplement, 1974, relating to liquors; to define terms; to provide duties; to prohibit certain acts; and to repeal the original sections.

LEGISLATIVE BILL 210. By Dickinson, 31st District.

A BILL FOR AN ACT relating to criminal procedure; to provide for appeals in misdemeanor cases.

LEGISLATIVE BILL 219. By Swigart, 8th District.

A BILL FOR AN ACT to amend section 8-319, Revised Statutes Supplement, 1974, relating to building and loan associations; to change provisions relating to loans as prescribed; and to repeal the original section.

LEGISLATIVE BILL 225. By Kelly, 35th District.

A BILL FOR AN ACT to amend 60-407, Revised Statutes Supplement, 1974, relating to motor vehicles; to provide procedures for notifying the Department of Motor Vehicles of individuals with impaired driving ability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 228. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Commission; to provide death benefits for enforcement agents dying in the line of duty.

LEGISLATIVE BILL 232. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 45-104, Reissue Revised Statutes of Nebraska, 1943, and section 25-1801, Revised Statutes Supplement, 1974, relating to interest; to provide interest on unsettled accounts as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 239. By Public Health and Welfare Committee; Kennedy, 21st District, Chairman; Fowler, 27th District; R. Lewis, 38th District; Maresh, 32nd District; Moylan, 6th District.

(Engrossed)

A BILL FOR AN ACT relating to public welfare; to provide for granting subrogation rights to county divisions of public welfare and the Department of Public Welfare.

LEGISLATIVE BILL 248. By Burbach, 19th District.

A BILL FOR AN ACT to adopt the Nebraska Uniform Standards for Manufactured Housing Units Act.

LEGISLATIVE BILL 250. By Simpson, 46th District.

A BILL FOR AN ACT relating to criminal procedure; to accord rights as prescribed to persons arrested for operating a motor vehicle while intoxicated; to provide for holding the automobile of such person for safekeeping; and to provide for release of such person to his attorney.

LEGISLATIVE BILL 265. By Public Works Committee: Kremer, 34th District; Wiltse, 1st District; Moylan, 6th District; Kelly, 35th District; Mills, 44th District; R. Lewis, 38th District; Warner, 35th District.

A BILL FOR AN ACT to amend section 39-669.26, Revised Statutes Supplement, 1974, relating to serious traffic offenses; to change the point system dealing with traffic violations as prescribed; to provide exceptions; and to repeal the original section.

LEGISLATIVE BILL 266. By Carsten, 2nd District.

A BILL FOR AN ACT to amend sections 85-505 and 85-506, Revised Statutes Supplement, 1974, relating to tuition credit; to extend provisions to include members of the Selected Reserves; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 268. By Executive Board: Mahoney, 5th District, Chairman; Savage, 10th District; Stull, 49th District; Kremer, 34th District; R. Lewis, 38th District.

A BILL FOR AN ACT relating to power districts and corporations; to state legislative intent; to create the Public Power Grid Board; to provide for its membership; to provide for its powers, duties, and responsibilities; to amend sections 70-501, 70-626, 70-628.01, and 70-704, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

LEGISLATIVE BILL 272. By Swigart, 8th District.

A BILL FOR AN ACT relating to industrial development; to declare intent for the issuance of bonds; and to declare an emergency.

LEGISLATIVE BILL 275. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; Chambers, 11th District.

A BILL FOR AN ACT relating to correctional services; to provide for disciplinary procedures within institutions administered by the Department of Correctional Services as prescribed.

LEGISLATIVE BILL 275A. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of the Legislative Bill 275, Eighty-fourth Legislature, First Session, 1975.

LEGISLATIVE BILL 280. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Anderson, 37th District; Nichol, 48th District; Chambers, 11th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article V, section 30, of the Constitution of Nebraska, relating to the judiciary; to provide additional methods for the disciplining of a Justice or Judge of the Supreme Court or other judge; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 296. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 24-729, Revised Statutes Supplement, 1974, relating to judges' retirement; to provide that retired judges of the county court may be assigned to fill vacancies in any county court; and to repeal the original section.

LEGISLATIVE BILL 299. By Kennedy, 21st District.

A BILL FOR AN ACT to amend section 83-101.02, Reissue Revised Statutes of Nebraska, 1943, relating to public institutions; to change qualifications for the director; and to repeal the original section.

LEGISLATIVE BILL 310. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 76-526, Reissue Revised Statutes of Nebraska, 1943, relating to abstracters; to provide that discounts on fees for abstracting services shall be an unfair practice; and to repeal the original section.

LEGISLATIVE BILL 313. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 31-734, 31-755, and 31-764, Reissue Revised Statutes of Nebraska, 1943, and sections 31-727, 31-739, 31-740, 31-744, and 31-749, Revised Statutes Supplement, 1974, relating to sanitary and improvement districts; to define terms; to increase the surety bond of trustees; to provide for the maturity of district bonds; to require that the Department of Public Works approve certain contracts; to provide mandatory and uniform assessment for improvements; to provide for payment of warrants issued by a district; to provide for the recording of district boundaries; and to repeal the original sections.

LEGISLATIVE BILL 314. By Keyes, 3rd District.

A BILL FOR AN ACT to appropriate forty thousand dollars from the Nebraska Capital Construction Fund to the Game and Parks Commission to aid in the development of Schramm State Recreation Area.

LEGISLATIVE BILL 319. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Rumery, 42nd District; Kennedy, 21st District; Dickinson, 31st District; DeCamp, 40th District; Burrows, 30th District; Maresh, 32nd District.

A BILL FOR AN ACT relating to agricultural liming materials; to provide for the registration of liming materials and the manufacturers and distributors thereof; to prohibit the adulteration and misbranding of agricultural liming materials; to provide for the inspection, sampling and analysis of agricultural liming materials; to establish fees; and to provide penalties.

LEGISLATIVE BILL 326. By Cavanaugh, 9th District.

A BILL FOR AN ACT relating to data processing; to regulate the use and transfer of computerized personal data; to restrict the use of social security account numbers; to provide a penalty; and to provide an operative date.

LEGISLATIVE BILL 329. By Public Works Committee: Kremer, 34th District, Chairman; Warner, 25th District; Wiltse, 1st District; Cavanaugh, 9th District; Moylan, 6th District; Kelly, 35th District.

A BILL FOR AN ACT to amend section 60-404, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide that each county furnish adequate facilities for the administration of the operator's license examination; and to repeal the original section.

LEGISLATIVE BILL 332. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Rumery, 42nd District; Dickinson, 31st District; DeCamp, 40th District; Burrows, 30th District; Kennedy, 21st District.

A BILL FOR AN ACT to adopt the Nebraska Pesticides and Devices Act; to provide penalties; to provide an operative date; to provide severability; and to repeal sections 2-2606 to 2-2611, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2601 to 2-2605, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 338. By Judiciary Committee: Luedtke, 28th District, Chairman; Nichol, 48th District; Barnett, 26th District; DeCamp, 40th District; Syas, 13th District.

A BILL FOR AN ACT to amend sections 60-430.01, 60-430.04, and 60-430.05, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change penalty provisions; and to repeal the original sections.

LEGISLATIVE BILL 339. By Cope, 36th District.

A BILL FOR AN ACT relating to taxation; to authorize cities and counties to impose a sales tax on lodging; to provide definitions; to provide for the collection of such tax; to prescribe the use of the proceeds; and to provide for a convention and visitor committee.

LEGISLATIVE BILL 343. By Kremer, 34th District.

A BILL FOR AN ACT to amend sections 37-201 and 37-213, Reissue Revised Statutes of Nebraska, 1943, relating to hunting permits; to specify wildlife for which a permit is required; and to repeal the original sections.

LEGISLATIVE BILL 346. By Fowler, 27th District.

A BILL FOR AN ACT relating to aged persons; to declare intent; to define terms; to provide duties and powers; to provide for legal assistance to aged persons as prescribed; and to provide severability.

LEGISLATIVE BILL 348. By Wiltse, 1st District.

A BILL FOR AN ACT relating to motor vehicles; to provide that the suspension of a motor vehicle shall not be altered in a manner to create an unsafe condition; and to provide penalties.

LEGISLATIVE BILL 350. By Murphy, 17th District.

A BILL FOR AN ACT relating to banks and banking; to provide provisions relating to compensation received for advances of money made upon securities as prescribed; and to declare an emergency.

LEGISLATIVE BILL 358. By Simpson, 46th District.

A BILL FOR AN ACT relating to the University of Nebraska; to provide increased retirement benefits for certain retirees of the University of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 362. By Burrows, 30th District.

A BILL FOR AN ACT relating to taxation; to declare intent; to define terms; to impose a tax for support of schools on adjusted gross income of individuals and corporations; to provide for determination of the tax rate; to prescribe tax rate formulae; to provide for administration of this act; to provide severability; and to provide an operative date.

LEGISLATIVE BILL 364. By Duis, 39th District.

A BILL FOR AN ACT to amend sections 43-626 and 43-627, Reissue Revised Statutes of Nebraska, 1943, relating to special education; to provide that the state shall provide for costs of food and lodging for special education students as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 372. By Barnett, 26th District.

A BILL FOR AN ACT relating to conflicts of interest; to provide legislative intent; to define terms; to provide for the regulation of conflicts of interest in individuals providing professional services as prescribed; and to provide penalties.

LEGISLATIVE BILL 373. By Barnett, 26th District.

A BILL FOR AN ACT relating to children and youth; to create the Department of Children and Youth as prescribed; to provide for its operation, powers, and responsibilities; to provide for a Children and Youth Advisory Council; to provide for its membership, powers, and duties; to transfer the Nebraska Center for Children and Youth to the Department of Children and Youth; to amend sections 43-105, 43-106.01, 43-107, 43-210.02, 43-214, 43-219, 43-226, 43-227, 43-503, 43-701 to 43-709, 43-901 to 43-910, and 43-913, Reissue Revised Statutes of Nebraska, 1943, and sections 43-208, 43-209, 43-531, 43-654, 81-101, and 81-102, Revised Statutes Supplement, 1974; to provide penalties; to provide an operative date; to provide severability; to repeal the original sections, and also sections 43-901.01, 43-911, and 43-912, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 382. By Duis, 39th District; Kremer, 34th District.

A BILL FOR AN ACT to amend section 77-2734, Revised Statutes Supplement, 1974, relating to sales and income tax; to change what constitutes net income for the purpose of computing the franchise or income tax levied on corporations; and to repeal the original section.

LEGISLATIVE BILL 383. By Kremer, 34th District.

A BILL FOR AN ACT to amend section 79-801, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that Class VI schools may be annexed; and to repeal the original section.

LEGISLATIVE BILL 385. By Savage, 10th District.

A BILL FOR AN ACT to repeal sections 81-553, 81-554, 81-557, 81-558, 81-560, 81-561, 81-564, 81-565, 81-568, and 81-570, Reissue Revised Statutes of Nebraska, 1943, and sections 81-555, 81-556, 81-559, 81-562, 81-563, 81-566, 81-567, and 81-569, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 386. By Savage, 10th District.

A BILL FOR AN ACT to amend sections 81-847 and 81-849, Revised Statutes Supplement, 1974, relating to the Board of Examiners for Professional Engineers and Architects; to provide the board with discretion in issuing certificates of registration; to change fees as prescribed; to correct erroneous provisions; and to repeal the original sections.

LEGISLATIVE BILL 388. By Stull, 49th District; Cope, 36th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XIII, section 1, of the Constitution of Nebraska, relating to state, county, and municipal indebtedness; to provide for incurring indebtedness by the State of Nebraska for the purpose of issuing bonds; to provide funds for the creation of a revolving bond fund to purchase revenue obligations of the Board of Regents of the University of Nebraska and Board of Trustees of the Nebraska State Colleges and the State Board of Education; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 390. By Stull, 49th District.

A BILL FOR AN ACT relating to historic sites; to declare intent; and to authorize the development of plans for establishing a cultural center as prescribed.

LEGISLATIVE BILL 394. By Murphy, 17th District.

A BILL FOR AN ACT to adopt the Nebraska No-Fault Motor Vehicle Insurance Act.

LEGISLATIVE BILL 398. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 8-157, Revised Statutes Supplement, 1974, relating to banking; to provide for limited branch banking; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 399. By Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 8-901, 8-902, 8-903, and 8-904, Reissue Revised Statutes of Nebraska, 1943, relating to bank holding companies; to permit bank holding companies to own or control more than one bank under limited conditions; to limit acquisition by out-of-state bank holding companies; to provide for registration and regulation of bank holding companies; and to repeal the original sections.

LEGISLATIVE BILL 405. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Dickinson, 31st District; Maresh, 32nd District, Rumery, 42nd District.

A BILL FOR AN ACT relating to educational television; to provide for an educational agriculture program series; and to assign duties to the Educational Television Commission as prescribed.

LEGISLATIVE BILL 405A. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 405, Eighty-fourth Legislature, First Session, 1975.

LEGISLATIVE BILL 409. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 1-114, Revised Statutes Supplement, 1974, relating to accountants; to provide additional qualifying experience for certification; and to repeal the original section.

LEGISLATIVE BILL 411. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; F. Lewis, 45th District; Skarda, 7th District; Barnett, 26th District; Murphy, 17th District.

A BILL FOR AN ACT to amend section 53-123.04, Reissue Revised Statutes of Nebraska, 1943, relating to alcoholic liquors; to prohibit off-the-premises delivery of alcoholic liquor to the consumer by a retail licensee, his agent or employee; to provide construction; and to repeal the original section.

LEGISLATIVE BILL 412. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; F. Lewis, 45th District; Skarda, 7th District; Murphy, 17th District; Barnett, 26th District.

A BILL FOR AN ACT to amend section 53-1,116, Reissue Revised statutes of Nebraska, 1943, relating to the Nebraska Liquor Control Commission; to change appeal procedures; to provide for all appeals to be to the district court of Lancaster County in the case of applications which have not been protested; to provide that appeals shall be de novo on the record; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 413. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; F. Lewis, 45th District; Skarda, 7th District; Murphy, 17th District; Barnett, 26th District.

A BILL FOR AN ACT to amend section 53-133, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Liquor Control Commission; to provide for a hearing after withdrawal of a protest; to provide for costs; and to repeal the original section.

LEGISLATIVE BILL 425. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 24-524, Revised Statutes Supplement, 1974, relating to Small Claims Court; to eliminate service by mail; and to repeal the original section.

LEGISLATIVE BILL 426. By Telecommunications Committee: Clark, 47th District, Chairman; Skarda, 7th District; Mahoney, 5th District; Duis, 39th District; Marvel, 33rd District.

A BILL FOR AN ACT to amend sections 75-134 and 75-139, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to change provisions relating to commission orders; to make provisions relating to rate increases as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 431. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 69-204, Reissue Revised Statutes of Nebraska, 1943, relating to pawnbrokers; to require a fingerprint or color photograph; and to repeal the original section.

LEGISLATIVE BILL 432. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 32-308, Reissue Revised Statutes of Nebraska, 1943, relating to the election of county officers; to provide that the sheriff be appointed in certain counties as prescribed; to provide duties of the county board; and to repeal the original section.

LEGISLATIVE BILL 433. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Maresh, 32nd District; Rumery, 42nd District; Burrows, 30th District; Dickinson, 31st District.

A BILL FOR AN ACT to adopt the Nebraska Land Resources Management Information Act.

LEGISLATIVE BILL 434. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Maresh, 32nd District; Rumery, 42nd District; Kennedy, 21st District; Burrows, 30th District; Dickinson, 12th District.

A BILL FOR AN ACT relating to meat retailers; to prescribe time limits, payment conditions, and discount conditions for purchases of meat and meat products by retailers from slaughter livestock meat packers doing business in Nebraska.

LEGISLATIVE BILL 440. By Urban Affairs Committee: Fowler, 27th District, Chairman; George, 16th District; Koch, 12th District; Stoney, 4th District; Swigart, 8th District; Hasebroock, 18th District; Duis, 39th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 71-4305, Revised Statutes Supplement, 1974, relating to public health and welfare; to exempt political subdivisions from payment of swimming pool inspection fees; and to repeal the original section.

LEGISLATIVE BILL 441. By Urban Affairs Committee: Fowler, 27th District, Chairman; George, 16th District; Koch, 12th District; Stoney, 4th District; Duis, 39th District; Burrows, 30th District; Hasebroock, 18th District; Swigart, 8th District.

A BILL FOR AN ACT to amend section 17-107, Revised Statutes Supplement, 1974, relating to cities of the second class and villages; to revise certain language referring to the procedure for removal of officers; and to repeal the original section.

LEGISLATIVE BILL 442. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Marsh, 29th District; Bereuter, 24th District; Johnson, 15th District; Stull, 49th District; Simpson, 46th District.

A BILL FOR AN ACT to amend section 81-1130, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Administrative Services; to expand the federal funds review requirement to include funds from all other sources except the General Fund; and to repeal the original section.

LEGISLATIVE BILL 444. By Urban Affairs Committee: Fowler, 27th District, Chairman; Stoney, 4th District; Koch, 12th District; Hasebroock, 18th District; Duis, 39th District; Burrows, 30th District; Swigart, 8th District.

A BILL FOR AN ACT to amend sections 18-1803 and 18-1804, Reissue Revised Statutes of Nebraska, 1943, and section 18-1101, Revised Statutes Supplement, 1974, relating to revenue instruments; to provide for the usage of revenue notes; to define a term; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 445. By Urban Affairs Committee: Fowler, 27th District, Chairman; Burrows, 30th District; Duis, 39th District; Hasebroock, 18th District; Swigart, 8th District.

A BILL FOR AN ACT to amend sections 18-2101.01 and 18-2144, Revised Statutes Supplement, 1974, relating to community development; to grant certain powers and authorities; and to repeal the original sections.

LEGISLATIVE BILL 450. By Anderson, 37th District.

A BILL FOR AN ACT relating to insurance; to adopt the Model Health Maintenance Organization Act; and to provide severability.

LEGISLATIVE BILL 451. By Johnson, 15th District.

A BILL FOR AN ACT to amend section 81-1017, Reissue Revised Statutes of Nebraska, 1943, relating to the transportation services bureau; to provide an exemption for the University of Nebraska; and to repeal the original section.

LEGISLATIVE BILL 454. By Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 68-1005, Reissue Revised Statutes of Nebraska, 1943, relating to the aged, blind, and disabled; to change the qualifications for assistance; and to repeal the original section.

LEGISLATIVE BILL 455. By Anderson, 37th District.

A BILL FOR AN ACT to amend section 77-202.15, Revised Statutes Supplement, 1974, relating to taxation; to change procedures for applying for a homestead exemption; and to repeal the original section.

LEGISLATIVE BILL 456. By Bereuter, 24th District.

A BILL FOR AN ACT to amend sections 43-643, 43-645, 43-646, and 43-648, Reissue Revised Statutes of Nebraska, 1943, and sections 43-604 and 43-647, Revised Statutes Supplement, 1974, relating to handicapped individuals; to change certain eligibility requirements; to change certain monetary provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 458. By Johnson, 15th District.

A BILL FOR AN ACT to amend sections 8-711 and 8-712, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to include additional financial institutions under the National Housing Act as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 459. By Kelly, 35th District.

A BILL FOR AN ACT to amend sections 16-250, 16-609.01, 16-661, 18-2002, and 19-2417, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to authorize cities of the first class to conduct public works projects on county property as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 460. By Kelly, 35th District.

A BILL FOR AN ACT to amend sections 3-101, 3-104, 3-105, and 3-111, Reissue Revised Statutes of Nebraska, 1943, and section 3-128, Revised Statutes Supplement, 1974, relating to the Department of Aeronautics; to change certain definitions and references; and to repeal the original sections.

LEGISLATIVE BILL 462. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 85-180, Reissue Revised Statutes of Nebraska, 1943, relating to state colleges; to provide for the subsidizing of nonresident tuition for students of veterinary medicine; and to repeal the original section.

LEGISLATIVE BILL 464. By DeCamp, 40th District.

A BILL FOR AN ACT relating to gambling; to define terms; to prescribe illegal activities; to provide exceptions; to provide penalties; and to repeal sections 28-941 to 28-944, 28-946 to 28-948, 28-952, and 28-953, Reissue Revised Statutes of Nebraska, 1943, and section 28-945, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 465. By DeCamp, 40th District.

A BILL FOR AN ACT relating to insurance; to provide that policies of liability insurance for motor vehicles shall provide for economic loss benefits as prescribed; and to make provisions relating to basic economic loss benefits.

LEGISLATIVE BILL 471. By Appropriations Committee: Marvel, 33rd District, Chairman; Stull, 49th District; Johnson, 15th District; Savage, 10th District; Marsh, 29th District.

A BILL FOR AN ACT relating to state administrative departments; to provide managerial control over contractual services; to define terms; to assign duties; and to provide for rules and regulations.

LEGISLATIVE BILL 477. By Banking, Commerce and Insurance Committee: Murphy, 17th District, Chairman; Hasebroock, 18th District; Wiltse, 1st District; Swigart, 8th District; Mills, 44th District.

A BILL FOR AN ACT to amend sections 45-137 and 45-138, Reissue Revised Statutes of Nebraska, 1943, relating to installment loans; to increase the maximum amount, minimum interest rate, and period for repayment of such loans; and to repeal the original sections.

LEGISLATIVE BILL 478. By Luedtke, 28th District.

A BILL FOR AN ACT relating to motor carriers; to provide when rate increases shall become effective; to provide for refunds; to provide for enforcement; to amend section 75-126, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 479. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Schmit, 23rd District; Barnett, 26th District; Nichol, 48th District, Anderson, 37th District.

A BILL FOR AN ACT relating to criminal procedure; to define terms; to provide procedure for pretrial diversion of selected offenders in the district courts as prescribed; and to create an advisory board.

LEGISLATIVE BILL 485. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Schmit, 23rd District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT relating to drugs; to prohibit the acquisition of certain drugs which can only be lawfully distributed by means of a prescription; and to provide penalties.

LEGISLATIVE BILL 487. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Schmit, 23rd District; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to provide for the use of Department of Health analyses of controlled substances as admissible evidence in preliminary hearings in the courts of the state.

LEGISLATIVE BILL 488. By Syas, 13th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 2, of the Constitution of Nebraska, relating to revenue; to provide that land on which is situated water and woodlands may receive special tax treatment; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 491. By Mills, 44th District.

A BILL FOR AN ACT to repeal section 39-6,191, Reissue Revised Statutes of Nebraska, 1943, relating to guest passengers.

LEGISLATIVE BILL 495. By Miscellaneous Subjects: Anderson, 37th District, Chairman; Mahoney, 5th District; Barnett, 26th District; Nichol, 48th District; Skarda, 7th District; F. Lewis, 45th District; Luedtke, 28th District; Murphy, 17th District.

A BILL FOR AN ACT relating to the time for commencement of actions; to provide when actions to recover damages for breach of warranty or deficiency on improvements to real property shall be commenced as prescribed.

LEGISLATIVE BILL 499. By Labor Committee: Maresh, 32nd District, Chairman; F. Lewis, 45th District; Fitzgerald, 14th District; Rumery, 42nd District.

A BILL FOR AN ACT to amend section 48-660.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Employment Security Law; to provide for the posting of security by nonprofit organizations to secure payments in lieu of contributions by organizations who have elected to make such payments; and to repeal the original section.

LEGISLATIVE BILL 502. By Barnett, 26th District.

A BILL FOR AN ACT relating to loans; to establish provisions governing escrow accounts as prescribed.

LEGISLATIVE BILL 503. By Fowler, 27th District.

A BILL FOR AN ACT relating to education; to provide conditions under which students may be expelled or excluded from school; to provide procedures; to provide for hearings on the facts; to allow representation; to prescribe powers and duties; to provide for appeals; and to provide for limits of expulsion or exclusion from school.

LEGISLATIVE BILL 505. By Fowler, 27th District.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Commission; to provide for control of beverage containers; to define terms; to provide for enforcement; to provide penalties; and to provide an operative date.

LEGISLATIVE BILL 506. By Warner, 25th District.

A BILL FOR AN ACT relating to taxation; to adopt an income and franchise tax act for the support of the public schools as prescribed; to amend section 77-27,132, Revised Statutes Supplement, 1974; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 512. By Schmit, 23rd District.

A BILL FOR AN ACT relating to banking; to define terms; to provide for the establishment of subsidiary trust companies; and to authorize certain business activities.

LEGISLATIVE BILL 514. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Maresh, 32nd District; Rumery, 42nd District.

A BILL FOR AN ACT to adopt the Nebraska Poultry and Egg Resources Act; and to declare an emergency.

LEGISLATIVE BILL 515. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 54-603, Reissue Revised Statutes of Nebraska, 1943, relating to dogs; to provide that local authorities shall set the amount of a dog license tax; and to repeal the original section.

LEGISLATIVE BILL 516. By Fitzgerald, 14th District.

A BILL FOR AN ACT to amend sections 23-2504, 23-2506, and 23-2515, Revised Statutes Supplement, 1974, relating to the civil service system; to provide new procedures for electing members to the civil service commission; to establish a civil service appeals board; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 519. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Maresh, 32nd District; Rumery, 42nd District.

A BILL FOR AN ACT to adopt the County Horse Racing Facilities Bond Act; to amend section 2-1208.01, Revised Statutes Supplement, 1974; and to repeal the original section.

LEGISLATIVE BILL 521. By Education Committee: F. Lewis, 45th District, Chairman; Rumery, 42nd District; Burrows, 30th District; Fitzgerald, 14th District; George, 16th District; Koch, 12th District.

A BILL FOR AN ACT to amend section 79-4,103, Revised Statutes Supplement, 1974, relating to schools; to provide that school districts shall claim nonresident tuition on a calendar quarter basis; and to repeal the original section.

LEGISLATIVE BILL 524. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; Luedtke, 28th District; Mahoney, 5th District; Murphy, 17th District; Skarda, 7th District.

A BILL FOR AN ACT relating to crimes and punishments; to provide for criminal record information; to establish the Criminal Offender Records Control Committee; to provide procedures; and to provide penalties.

LEGISLATIVE BILL 531. By Cavanaugh, 9th District at the request of the Governor.

A BILL FOR AN ACT relating to lobbying; to define terms; to regulate lobbying activities other than before the Legislature or any committee thereof; and to provide penalties.

LEGISLATIVE 532 By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Goodrich, 20th District; Luedtke, 28th District; Stull, 49th District.

A BILL FOR AN ACT to adopt the Nebraska Public Employees Retirement Act; to amend sections 23-2302, 24-702, 48-609, 60-443, 79-1033, 79-1502, and 79-1522.01, Reissue Revised Statutes of Nebraska, 1943, and sections 19-3501, 24-703, 79-2634, 84-1329.01, 84-1503, 85-106, and 85-320, Revised Statutes Supplement, 1974; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 533. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Goodrich, 20th District; Luedtke, 28th District; Stull, 49th District.

A BILL FOR AN ACT to amend section 84-1301, Revised Statutes Supplement, 1974, relating to the State Employees Retirement Act; to provide that certain employees of the Nebraska Psychiatric Institute shall be eligible for membership in the retirement system; and to repeal the original section.

LEGISLATIVE BILL 534. By Warner, 25th District, at the request of the Governor.

A BILL FOR AN ACT to amend sections 11-105 and 11-115, Reissue Revised Statutes of Nebraska, 1943, relating to official bonds; to change the time for filing certain bonds; to provide procedures upon failure to file timely; and to repeal the original sections.

LEGISLATIVE BILL 535. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Dickinson, 31st District; Burrows, 30th District; Kime, 43rd District; Maresh, 32nd District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 89-201, Reissue Revised Statutes of Nebraska, 1943, relating to sugar beet weighing and testing; to provide that verification of sugar beet tests shall be handled by the producer and processor; to provide that certain state services be made available to sugar beet producers; and to repeal the original section, and also section 89-204, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 536. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Dickinson, 31st District; Burrows, 30th District; Kime, 43rd District; Maresh, 32nd District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 2-316, Uniform Commercial Code, relating to implied warranties on sales; to provide an exemption on sales of livestock with implied warranty of disease-free condition; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 539. By Bereuter, 24th District, at the request of the Governor.

A BILL FOR AN ACT relating to elected constitutional officers; to limit the amount of money spent by a candidate for public office; to change requirements for the filing of statements of receipts and expenditures; to specify violations; to provide penalties; to amend sections 32-1140 and 49-1106, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

LEGISLATIVE BILL 540. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Schmit, 23rd District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-822 and 43-1002, Reissue Revised Statutes of Nebraska, 1943, and section 28-477, Revised Statutes Supplement, 1974; to harmonize provisions; to correct an internal reference; to provide a procedure for accused persons in juvenile court to reclaim seized property; and to repeal the original sections.

LEGISLATIVE BILL 544. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Rumery, 42nd District; Maresh, 32nd District; Kennedy, 21st District; Kime, 43rd District; Burrows, 30th District; Dickinson, 31st District.

A BILL FOR AN ACT to amend section 54-1804, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to provide for payment on sales of livestock as prescribed; to provide for bonding of purchasers of livestock; to provide conditions of bonding; to provide for filing claims on a bond; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 545. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Fowler, 27th District; Moylan, 6th District; Kelly, 35th District R. Lewis, 38th District; Maresh, 32nd District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 43-907, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Center for Children and Youth; to increase the amount of assets which state wards may own; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 546. By Labor Committee: Maresh, 32nd District, Chairman; Rumery, 42nd District; Fitzgerald, 14th District; F. Lewis, 45th District; Kime, 43rd District.

A BILL FOR AN ACT relating to contracts; to provide that certain covenants not to compete shall be void; and to provide exceptions.

LEGISLATIVE BILL 549. By Speaker Burbach, 19th District, at the request of the Governor.

A BILL FOR AN ACT to make appropriations and reappropriations for capital construction and improvements and land acquisition; to provide conditions; to amend sections 7, 26, and 49, Legislative Bill 1055, Eighty-Third Legislature, Second Session, 1974, and section 77-2602, Revised Statutes Supplement, 1974; to delete an appropriation; to defer certain projects; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 552. By Speaker Burbach, 19th District, at the request of the Governor.

A BILL FOR AN ACT relating to the Department of Public Institutions; to create the Office on Chemical Dependency; to provide powers and duties; to create the Advisory Council on Chemical Dependency; to provide an operative date; to repeal sections 81-1435 to 81-1437 and 83-159 to 83-169, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1430 to 81-1434, Revised Statutes Supplement, 1974; and to declare an emergency.

LEGISLATIVE BILL 554. By Speaker Burbach, 19th District, at the request of the Governor.

A BILL FOR AN ACT to make appropriations for agencies of state government for the period July 1, 1975, to June 30, 1976; to recite limits and conditions on the expenditure of funds; and to declare an emergency.

LEGISLATIVE BILL 558. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Nichol, 48th District; Anderson, 37th District; Schmit, 22nd District; Barnett, 26th District.

A BILL FOR AN ACT to adopt the Nebraska Indigent Defense Services Act; to provide severability; to provide an operative date; to repeal sections 29-1804, 29-1804.03 to 29-1804.12, and 29-1805.01 to 29-1805.11, Revised Statutes Supplement, 1974; and to declare an emergency.

LEGISLATIVE BILL 559. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Rumery, 42nd District; DeCamp, 40th District; Maresh, 32nd District; Kennedy, 21st District; Dickinson, 31st District.

A BILL FOR AN ACT to adopt the Nebraska Solid Waste Management Act; to amend sections 19-2101, 19-2103, 19-2104, 19-2105, 23-379, 23-380, and 23-381, Reissue Revised Statutes of Nebraska, 1943, and sections 19-2106, 81-1502, and 81-1528, Revised Statutes Supplement, 1974; to provide conformity with the Nebraska Solid Waste Management Act; and to repeal the original sections.

LEGISLATIVE BILL 561. By Banking, Commerce and Insurance Committee: Murphy, 17th District, Chairman; Hasebroock, 18th District; Warner, 25th District; Stoney, 4th District; Duis, 39th District; Swigart, 8th District; Mills, 44th District; Wiltse, 1st District.

A BILL FOR AN ACT to change the names of the Department of Banking and the Director of Banking to Department of Finance and Director of Finance respectively; to amend sections 8-101 and 81-301, Reissue Revised Statutes of Nebraska, 1943, and sections 81-101 and 81-102, Revised Statutes Supplement, 1974; to provide duties for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 565. By Urban Affairs Committee: Fowler, 27th District, Chairman; George, 16th District; Stoney, 4th District; Swigart, 8th District; Koch, 12th District; Hasebroock, 18th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 23-381, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to provide that county boards may exclude certain lands from a tax levied to cover the cost of garbage disposal; and to repeal the original section.

LEGISLATIVE BILL 566. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; Murphy, 17th District; Nichol, 48th District; Barnett, 26th District; Luedtke, 28th District; Skarda, 7th District; Mahoney, 5th District.

A BILL FOR AN ACT to amend sections 33-117.01 and 47-113, Reissue Revised Statutes of Nebraska, 1943, and section 33-117, Revised Statutes Supplement, 1974, relating to county jails; to provide how each county shall be reimbursed for boarding prisoners; to repeal the original sections, and also section 47-113.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 568. By Committee on Judiciary: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to correctional services; to provide for payments to released persons as prescribed; to define terms; to provide duties for the Director of Correctional Services; and to create a fund and prescribe its name and purpose.

LEGISLATIVE BILL 569. By Committee on Judiciary: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 60-419, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle operators' licenses; to end keeping of records of license revocations of incarcerated persons; to provide duties for the Director of Correctional Services; and to repeal the original section.

LEGISLATIVE BILL 570. By Committee on Judiciary: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 44-211, 48-503, 53-142, 69-1205, 69-1207, 71-147, 71-217, 71-331, 71-1333, 71-2717, and 77-3002, Reissue Revised Statutes of Nebraska, 1943, and sections 8-1103, 60-1411.02, 71-2045.02, 81-885.12, 81-8,280, and 81-8,283, Revised Statutes Supplement, 1974, relating to disqualification of applicants with criminal records for a permit, registration, certificate, or license to practice a trade, occupation, or profession; to declare intent; to eliminate such disqualification for persons convicted of a felony or a crime of moral turpitude; to repeal the original sections, and also section 71-3206, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 574. By Committee on Government, Military and Veterans Affairs: Rasmussen, 41st District, Chairman; Fowler, 27th District; Chambers, 11th District; Koch, 12th District; Stoney, 4th District.

A BILL FOR AN ACT to amend section 28-561, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to make certain acts unlawful; to change penalties; and to repeal the original section.

LEGISLATIVE BILL 576. By Education Committee: F. Lewis, 45th District, Chairman; George, 16th District; Burrows, 30th District; Kremer, 34th District; Kime, 43rd District; Koch, 12th District.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to transfer land owned by the Game and Parks Commission as prescribed; and to create a fund.

LEGISLATIVE BILL 579. By F. Lewis, 45th District, at the request of the Governor.

A BILL FOR AN ACT relating to education; to declare intent; to create the Nebraska Coordinating Commission for Postsecondary Education; to provide for membership; to provide for powers and duties of the commission; to provide for funds; and to declare an emergency.

LEGISLATIVE BILL 581. By Anderson, 37th District, at the request of the Governor.

A BILL FOR AN ACT to amend sections 83-474.01 and 83-914, Revised Statutes Supplement, 1974, relating to the Department of Correctional Services; to change a cash fund to a revolving fund; to clarify provisions; to provide for a transfer of funds; to increase the maximum amount in the emergency revolving funds; and to repeal the original sections.

LEGISLATIVE BILL 583. By Executive Board: Mahoney, 5th District; Chairman; Barnett, 26th District; Cavanaugh, 9th District; Kelly, 35th District; R. Lewis, 38th District; Rasmussen, 41st District; Schmit, 23rd District; Savage, 10th District; Burbach, 19th District.

A BILL FOR AN ACT to amend section 86-705, Reissue Revised Statutes of Nebraska, 1943, relating to the interception of wire or oral communications; to provide that a communication common carrier shall assist in setting up a wire tap; to provide that an inventory containing information on the wire tap shall be issued; to provide for a right of appeal; to require the attendance of witnesses and production of evidence; to prohibit certain uses of information from an intercepted communication; to authorize the use of subpoenas to compel attendance of witnesses; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 584. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Schmit, 23rd District; Anderson, 37th District.

A BILL FOR AN ACT to adopt the Uniform Act on Interstate Arbitration and Compromise of Death Taxes.

LEGISLATIVE BILL 585. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Schmit, 23rd District; Anderson, 37th District.

A BILL FOR AN ACT to amend sections 77-2002, 77-2003, 77-2004, 77-2005, 77-2007, 77-2010, 77-2014, 77-2018, 77-2018.01, 77-2018.02, 77-2019, 77-2020, 77-2024, 77-2027, 77-2028, 77-2029, 77-2030, and 77-2102, Reissue Revised Statutes of Nebraska, 1943, and sections 24-519 and 77-2037, Revised Statutes Supplement, 1974, relating to inheritance tax; to provide a comprehensive revision of existing statutes as prescribed; to update procedures; to provide duties of the county court; to provide an operative date; and to repeal the original sections, and also section 77-2016, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 586. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Schmit, 23rd District; Anderson, 37th District; Syas, 13th District.

A BILL FOR AN ACT relating to public health and welfare; to relieve certain individuals from liability for slander, libel, defamation of character, or breach of a privileged communication as prescribed.

LEGISLATIVE BILL 587. By Education Committee: F. Lewis, 45th District, Chairman; Burrows, 30th District; Kremer, 34th District; Kime, 43rd District; George, 16th District; Koch, 12th District.

A BILL FOR AN ACT to amend section 79-458, Reissue Revised Statutes of Nebraska, 1943, relating to the school census; to increase the number of school districts eligible to establish a permanent census of school children; and to repeal the original section.

LEGISLATIVE BILL 590. By Committee on Banking, Commerce and Insurance: Murphy, 17th District, Chairman; Warner, 25th District; Wiltse, 1st District; Hasebroock, 18th District; Swigart, 8th District.

A BILL FOR AN ACT relating to insurance; to provide minimum standard health-care benefits; to provide qualified benefit plans; to provide a state benefit plan; to create an association of carriers; to create a health-care commission; to provide eligibility qualifications; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 591. By Anderson, 37th District, at the Request of the Governor.

A BILL FOR AN ACT to amend sections 32-420.01, 32-511, 32-512, and 32-513, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to authorize an uncommitted vote in presidential elections; to provide procedures for selecting delegates to a national convention; to provide for caucuses; to impose certain duties on the Secretary of State; and to repeal the original sections, and also sections 32-420.02, 32-504.01, 32-542, 32-542.03, and 32-545, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 592. By Education Committee: F. Lewis, 45th District, Chairman; George, 16th District; Koch, 12th District; Burrows, 30th District; Kime, 43rd District; Rumery, 42nd District; Kremer, 34th District; Fitzgerald, 14th District.

A BILL FOR AN ACT relating to the care and education of handicapped children; to provide financial aid for special education programs as prescribed; to define terms; to provide an operative date; to repeal Chapter 43, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; and to declare an emergency.

LEGISLATIVE BILL 594. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Marsh, 29th District; Simpson, 46th District; Stull, 49th District; Savage, 10th District; Goodrich, 20th District; Johnson, 15th District.

A BILL FOR AN ACT relating to the care and education of handicapped children; to provide financial aid for special education programs; to define terms; to provide an advisory board; to provide severability; to provide an operative date; to repeal Chapter 43, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; and to declare an emergency.

LEGISLATIVE BILL 595. By Government, Military and Veterans Affairs Committee: Rasmussen, 41st District, Chairman; Stoney, 4th District; Koch, 12th District; George, 16th District; Hasebroock, 18th District; Fowler, 27th District; Duis, 39th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 80-301, Revised Statutes Supplement, 1974, as amended by section 2, Legislative Bill 90, Eighty-fourth Legislature, First Session, 1975, relating to the Nebraska Veterans' Home; to change eligibility requirements for admission to the home; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 596.

Introduced by Speaker Burbach, 19th District, at the request of the Governor.

A BILL FOR AN ACT to repeal section 55-157.01, Revised Statutes Supplement, 1974, relating to the Nebraska National Guard; and to declare an emergency.

LEGISLATIVE BILL 597. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Stull, 49th District; Johnson, 15th District; Bereuter, 24th District; Simpson, 46th District; Marsh, 29th District; Savage, 10th District.

A BILL FOR AN ACT to amend section 79-1446, Reissue Revised Statutes of Nebraska, 1943, relating to rehabilitation services; to place the Division of Rehabilitation Services in the Department of Public Welfare; to provide for a transition period; to provide for employee rights; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 601. By Agriculture and Environment Comm.: Schmit, 23rd District, Chairman; DeCamp, 40th District; Rumery, 42nd District; Maresh, 32nd District; Burrows, 30th District.

A BILL FOR AN ACT to amend sections 1-201, 2-403, and 2-702, Uniform Commercial Code; to provide remedies when a purchaser of goods is insolvent; to declare public policy in such situations; to provide retroactive protection; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 602. By Banking, Commerce, and Insurance Committee: Murphy, 17th District, Chairman; Duis, 39th District; Hasebroock, 18th District; Wiltse, 1st District; Stoney, 4th District.

A BILL FOR AN ACT relating to insurance; to provide for professional liability insurance as prescribed; to provide duties of the Director and Department of Insurance; to provide an expiration date; and to declare an emergency.

LEGISLATIVE BILL 608. By F. Lewis, 45th District, at the request of the Governor.

A BILL FOR AN ACT to amend section 79-4,166, Revised Statutes Supplement, 1974, relating to schools; to provide that in computing the amounts to be deducted from state funds being distributed to school districts for general school purposes when school districts have expended excess expenditures there shall not be deducted therefrom any amounts which are required by the Constitution of the State of Nebraska to be paid to such school district; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 613. By Executive Board: Mahoney, Chairman, 5th District; Burbach, 19th District; Rasmussen, 41st District; R. Lewis, 38th District; Kelly, 35th District; Barnett, 26th District; Savage, 10th District; Schmit, 23rd District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 68-703, 81-829.42, and 81-829.55, Revised Statutes Supplement, 1974, relating to the Nebraska Disaster and Civil Defense Act; to assent to the Disaster Relief Act of 1974, P.L. 93-288; to provide powers and duties of the Governor, the state civil defense agency, and the Department of Public Welfare as prescribed; to provide severability; to repeal the original sections; and to declare an emergency.

FIRST DAY — JANUARY 7, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 7, 1976

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Eighty-Fourth Legislature, Second Session of the Legislature of Nebraska assembled in Legislative Hall of the Capitol Building at the hour of 10:00 o'clock on Wednesday, January 7, 1976, and was called to order by President Whelan.

PRAYER

Prayer was offered by Chaplain Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

> As we begin this Session of the Legislature in the Bicentennial year I would like to offer the first prayer ever given in the United States Congress:
>
> O Lord, our Heavenly Father, High and mighty King of kings, and Lord of Lords, who dost from Thy throne behold all the dwellers on earth and reignest with power supreme and uncontrolled over all the Kingdoms, Empires and Governments; look down in mercy we beseech Thee, on these American States

who have fled to Thee from the rod of the oppressor, and thrown themselves on Thy gracious protection, desiring henceforth to be dependent only on Thee.

To Thee, they have appealed for the righteousness of their cause; to Thee do they now look up for that countenance and support which Thou alone canst give.

Take them therefore Heavenly Father, under Thy nurturing care; give them wisdom in Council and valor in the field; defeat the malicious designs of our cruel adversaries; convince them of the unrighteousness of their cause; and if they persist in their sanguinary purpose, O let the voice of Thy own unerring justice, sounding in their hearts, constrain them to drop the weapons of war from their unnerved hands in the day of battle.

Be Thou present, O God of wisdom, and direct the councils of this honorable assembly; enable them to settle things on the best and surest foundation. That the scene of blood may be speedily closed; that order, harmony and peace may be effectually restored, and truth and justice, religion and piety prevail and flourish among Thy people.

Preserve the health of their bodies and vigor of their minds; shower down on them, and the millions they here represent, such temporal blessings as Thou seest expedient for them in this world, and crown them with everlasting glory in the world to come.

All this we ask in the name and through the merits of Jesus Christ, the Son, our Saviour. Amen.

ROLL CALL

The roll was called and the following members were present.

Anderson, Gary L.
Barnett, Wally, Jr.
Bereuter, Douglas
Burbach, Jules W.
Carsten, Calvin F.
Clark, Robert L.
Cope, Ron
DeCamp, John W.
Dickinson, James A.
Duis, Herbert J.
Dworak, Donald
Fitzgerald, Tom
Fowler, Steve
George, Walter
Goodrich, Glenn A.
Hasebroock, William H.
Johnson, E. Thome
Kelly, Ralph D.
Kennedy, Thomas C.
Keyes, Orval A.
Kime, Otho G.
Koch, Gerald D.
Kremer, Maurice A.
Lewis, Frank
Lewis, Richard
Luedtke, Roland A.
Mahoney, Eugene T.
Maresh, Richard
Marsh, Shirley
Marvel, Richard D.
Mills, Jack D.
Moylan, Harold T.
Murphy, John R.
Nichol, William
Rasmussen, Dennis L.
Rumery, Myron
Savage, John S.
Schmit, Loran
Simpson, Harold D.
Skarda, William R., Jr.
Stoney, Larry D.
Stull, Leslie A.
Swigart, Warren R.
Syas, George
Warner, Jerome
Wiltse, Irving F.

Messrs. Burrows, Chambers and Cavanaugh were excused until arrival.

MOTION–Advise Governor

Speaker Burbach moved that a committee of five be appointed to advise the Governor's Office that the Eighty-Fourth Legislature, Second Session of Nebraska State Legislature has convened and is ready for the transaction of business.

The motion prevailed.

The President appointed Messrs. Rasmussen, Dickinson, Nichol, Maresh, and Kennedy to serve on said committee.

EASE

The Legislature was at ease from 10:07 a.m. until 10:11 a.m.

The committee returned and delivered the following:

MESSAGE FROM THE GOVERNOR

January 6, 1976

The Honorable President, Speaker and
Members of the Nebraska Legislature:

Welcome back to the Second Session of the 84th Legislature. The many bills carried over from the First Session and the bills to be introduced this session will surely tax your time during the 60 days you are in session. I have therefore chosen not to appear personally before you at this time, as I know your time is very valuable and you want to get about the business confronting this Legislative body.

I will ask to be invited to address you personally in the next few weeks for the purpose of the "State of the State" address and the delivery of the budget message. My remarks at that time will be more extensive.

In the meantime, I want to restate the open door policy in my office. Please call on me if I can be of help during this session. Again, I wish you well in your important work during the balance of this session.

Sincerely,

(Signed) J. James Exon
Governor

ATTORNEY GENERAL'S OPINIONS

Opinion No. 92

May 28, 1975

Dear Senator Clark:

In your letter of May 22, 1975, you ask whether legislation is necessary to prohibit members of the Liquor Control Commission from being paid room and board and mileage while they are in session in Lincoln. In general, state employees are entitled only to that compensation provided by statutes. Section 53-113, R. R. S. 1943, provides for the payment of expenses and mileage for Liquor Control Commission employees and commissioners. In part it provides:

> "The commissioners, the secretary, all clerks, inspectors, and other employees shall be reimbursed for all actual and necessary traveling expenses and disbursements incurred or made by them in the discharge of their official duties. * * *."

The above section also states that compliance must be had with Section 84-306.01, R. R. S. 1943. This section requires that any state officer or employee entitled to reimbursements must present a claim each month to the Director of Administrative Services itemizing each charge showing dates, names, locations, and the necessity for the expenses for which reimbursement is claimed. Where mileage is involved in a claim the points between which such mileage was accrued must be shown on the claim. The final sentence of the above section states:

> "* * * . No personal maintenance expenses shall be allowed to any state officer or employee when such expenses are incurred in the city or town wherein the residence or headquarters of such officer or employee is located."

Section 53-114, R. R. S. 1943, provides that the office of the Liquor Control Commission shall be in Lincoln. It also provides that branch offices may be established at other sites in the state. The three commissioners are required to be from difference Congressional Districts. Under the statute as it exists, no more than one could possibly have a residence in Lincoln, Nebraska.

Where payment of such claims, as you mention in your letter, are involved, it is preferable that specific statutory language exist to which the claimant can point in order to justify the claim made.

It is our opinion that the present statutory scheme would exclude payment for personal maintenance expenses to members of the Nebraska

Liquor Control Commission while they are engaged in official business in Lincoln. It is questionable whether or not commission members would be entitled to mileage between their residence and Lincoln to attend their normal meetings. No specific language provides for such payment nor does none exist which would exclude such payment.

We point out that a number of other commissions exist under the Nebraska statutes. Two such commissions are the Commission on Indian Affairs and the Nebraska Commission on Intergovernmental Cooperation. The commissioners in each instance serve without pay, however, Section 81-1218, R. R. S. 1943, referring to the Commission on Indian Affairs states:

> "The members of the commission shall serve without compensation, but they shall receive reimbursement for any actual expenses incurred as a necessary incidence to such service."

Section 81-812, R. R. S. 1943, referring to the Nebraska Commission on Intergovernmental Cooperation authorizes payment for necessary expenses in carrying out the obligation of the commissions members. In both instances the statutory grant in our opinion encompasses the payment of mileage and personal maintenance expenses incurred incident to performing the duties required of the commission members. Such language more directly indicates a legislative intention that the members shall receive personal maintenance expenses. Under those statutes relating to the Liquor Control Commission members, however, no clear legislative intent is expressed. In the absence of such an expression of intent it would appear that they are not entitled to those expenses.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Special Assistant Attorney General

PTO:saa

Opinion No. 98
June 3, 1975

Dear Senator Goodrich:

In a recent inquiry you have asked "If a member of the Armed Forces was captured during the Vietnam War and is listed a Missing in Action and is subsequently declared dead by the Armed Forces, are his children entitled to the benefits of 80-411, free tuition in one of the colleges?" You state that it is your interpretation that they would be entitled to the benefits stated in that statute but on the chance that our interpretation does not agree with yours, you are making inquiry now so that amendatory legislation to be drafted for introduction at the next session of the Legislature.

We agree with your interpretation.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM: ss
cc Mr. Vince Brown
Clerk of the Legislature

Opinion No. 118
August 29, 1975

Dear Senator Warner:

You have asked whether LB 325, commonly referred to as the "Open Meetings Law," is applicable to the Legislature or its various committees. Before answering your specific questions, we feel it prudent to make some general comments concerning this legislation and the constitutional provisions which are relevant to the ultimate determination of your questions.

Section 1 of LB 325 sets out the public policy of the state as it concerns open meetings. Section 1 reads as follows:

> "It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.
>
> "Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of the State of Nebraska, federal statutes, and this act. (Emphasis added.)

The above emphasized language from Section 1 raises a preliminary question and that is whether the Constitution does "otherwise" make provisions that would exempt the Legislature from coverage under LB 325.

The Constitution of Nebraska, Article III, Section 11, provides in part that:

> ". . . The doors of the Legislature and of Committees of the Whole, shall be open, unless when business shall be such as ought to be kept secret."

This section of the Constitution clearly does not provide "otherwise" but is in complete agreement with LB 325. In Article III, Section 10, of the Nebraska Constitution the following excerpt is found:

> ". . . the Legislature shall determine the rules of its proceedings. . . ."

This section of the Constitution also is in complete agreement with LB 325 and in particular with Section 5(2) of that bill which reads:

> "Any public body may make and enforce reasonable rules and regulations regarding the conduct of persons attending its meetings and regarding their privilege to speak. A body is not required to allow citizens to speak at each meeting, nor may it forbid public participation at all meetings."

It follows from the above discussion that the Constitution of Nebraska, as it relates to the Legislature, does not make provisions that are contrary to or in conflict with the provisions of LB 325.

Since the Constitution does not exempt the Legislature from coverage under LB 325, we should now turn to the specific question you asked; that being whether the Legislature is covered by the act. As mentioned earlier, the "Open Meetings Law" declares that it is this state's public policy "that the formation of public policy is public business and may not be conducted in secret." It further provides that:

> "Every meeting of a public body shall be open to the public. . . . " (Emphasis added.)

Whether the Legislature falls within the coverage of LB 325 depends, first of all, on whether the Legislature is a "public body" and secondly, whether the Legislature is holding a "meeting" as those two terms are defined in the act.

Section 2(1), which defines public body, reads in part as follows:

> "Public body shall mean. . . (c) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now or hereafter created by Constitution, statute, or otherwise pursuant to law, . . . (e) advisory committees of the

> bodies referred to in subdivisions (a), (b) and (c) of this subdivision. . . ." (Emphasis added.)

It is rather clear from this definition that the Legislature is a "public body" for the purposes of this act as it is one of the many "bodies, now or hereafter created by Constitution." It is also clear that committees as well as advisory committees of the Legislature are also included in this act's definition of "public body."

Section 2(2), which defines meetings, reads as follows:

> "Meetings shall mean all regular, special, or called meetings of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any formal action."

There is little doubt that the purposes of the Legislature's meetings are those very same purposes mentioned in Section 2(2) of LB 325 and therefore the Legislature and its committees do meet for the purposes of this act.

It is seen from the above analysis that the Legislature is a "public body" and does hold a "meeting" as those terms are defined in LB 325 and, therefore, unless the Legislature is specifically exempted from the act, it will fall within the coverage of the act. The only apparent exceptions to the coverage of this act appear to be situations where the Constitution of Nebraska, federal statute or the act itself provide that some group should be excepted and the specific exceptions mentioned in Section 2(1) of the act. As discussed earlier, the Constitution of Nebraska does not except the Legislature from coverage of this act. Section 2(1) excepts from the act subcommittees of the covered bodies, if the subcommittee has no power to take formal action on behalf of its parent body. Also excepted are certain judicial proceedings that are not relevant to this discussion. Neither of these exceptions to the coverage of the act are applicable to the Legislature.

In conclusion, we point out that the Constitution of the State of Nebraska does not make any provisions that are contrary to or in conflict with the Open Meetings Law and, in fact, the Constitution and this act appear to complement one another. The Legislature is clearly a "public body" and does hold "meetings" as defined in the act. Therefore, the clear and unambiguous language of the act which reads "Every meeting of a public body shall be open to the public" must be said to apply to the Legislature and its various committees.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Paul W. Snyder
Special Assistant Attorney General

PWS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 119
September 3, 1975

Dear Senator Kelly:

You have written to this office enclosing a copy of a letter to you from the Governor. The letter deals with the I-80 Sculpture Project. The Governor states that under the provisions of Section 21 of LB 605, 1975 Legislature, both the Legislature and the Governor are required to approve the acceptance of such a gift. The Governor then suggests that the Executive Board could give their consideration to the project and refers to the required legislative approval. Your question to this office is whether or not the Executive Board of the Legislative Council has the authority to approve the gifts of sculptures from the I-80 Bi-Centennial Corporation "as required by LB 605."

The Legislature and Legislative Council are two different entities. The Legislature is established by the Constitution. The Legislative Council was originally established in 1937, Laws 1937, Chapter 118, Page 421. Originally, the Legislative Council consisted of fifteen legislators. In 1949, this was changed to make all members of the Legislature members of the Legislative Council. At the same time, the Executive Board of the Legislative Council was created. See Laws 1949, Chapter 168, Section 1, Page 445.

Insofar as your request is concerned, LB 605, Section 21 provides in part as follows:

> ". . . , [T]hat all gifts or devises of real property in excess of $10,000 to be used for state purposes be approved by the Governor and the Legislature before acceptance."

We note in the same act, reference is specifically made to the Executive Board of the Legislative Council. See Sections 2, 4, 5, 6, and 10. In these sections, plans and reports are to be made to the Governor and to the Executive Board of the Legislative Council. It seems obvious that when in the same act provision is made that the Legislature approve that this is what was meant. It is our opinion that under the language quoted above that the approval intended was that of the Legislature acting as such and was not delegated to the Executive Board of the Legislative Council.

Yours very truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV: ss
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 121

September 8, 1975

Dear Senator Warner:

In your letter of August 20, 1975, you ask us to review our opinion of September 10, 1974, Report of the Attorney General 1973-74, page 243, and provide you with answers to some questions on the subject, to assist you in drafting amendments to the present statutes. The statutory sections involved are secs. 77-1341 to 77-1348, R.S.Supp., 1974, dealing with the special tax treatment of agricultural land. Briefly, these sections provide that qualifying real estate used for agricultural purposes shall be assessed at its value for agricultural purposes, and not at the value it would have if applied to other than agricultural uses.

In our opinion of September 10, 1974, we construed secs. 77-1343 and 77-1344 to require that the real estate be in a zoning district limiting the use of the land to agricultural purposes. We did so for the reason that in statutory construction the court attempts to give some meaning and effect to every provision of a statute. Sec. 77-1344 requires that qualifying land must be used exclusively for an agricultural use. It also requires it to be in "an agricultural use zone." If we construe these provisions to permit the special treatment of land which is in a zoning district which is not exclusively agricultural, but simply in one which permits agricultural use, very limited meaning can be given to the requirement that it be in an agricultural use zone. Presumably real estate is used for a purpose which the zoning laws permit. It would not be necessary to put such a requirement into the statutes, and the requirement of exclusive use for agricultural purposes would be sufficient without any reference to zoning.

It is true that a very limited meaning could be given to the requirement if we were to say that it was intended to prevent the special tax treatment to agricultural lands in a zoning district prohibiting agricultural use if such use was permitted as a nonconforming use by reason of the land having been so used at the time of the adoption of the zoning ordinance. However, we felt that this was a very strained construction, that it is doubtful that there is any such land, and that the interpretation we adopted was the most reasonable one.

You ask us to expand on the meaning of the word "exclusive," as used in sec. 77-1344. It is difficult for us to give any definition of exclusive agricultural use beyond that found in the statute and the specific examples we gave in our opinion of September 10, 1974. As you point out in your letter, our Supreme Court has in the past held that the primary or dominant use, and not an incidental use, is controlling in determining whether property is exempt from taxation. See Lincoln Woman's Club v. City of Lincoln, 178 Neb. 357, 133 N.W.2d 455 (1965). These cases were in connection with the educational, religious, and charitable exemption, but there is no reason to believe that the same principle would not be applicable with respect to the special treatment afforded agricultural lands.

It is virtually impossible, however to lay down any general, comprehensive rules in this area. These matters will necessarily be decided on a case by case basis to determine whether, in a particular instance, a use is incidental to the agricultural use, as defined in sec. 77-1343, or is a primary or dominant use, as contemplated by Lincoln Woman's Club v. City of Lincoln.

At your request we have reviewed the various zoning statutes of this state, specifically secs. 14-401 to 14-419, dealing with cities of the metropolitan class; secs. 15-901 to 15-905, dealing with cities of the primary class; secs. 19-901 to 19-915, dealing with cities of the first and second classes and villages; and secs. 23-114 to 23-114.05 and 23-164 to 23-174.10, dealing with counties.

Your specific question was whether under these acts local government can legally create zoning districts in which agriculture would be the exclusive use. We find nothing in any of them which would prohibit such zoning. Each of the acts delegating zoning powers to the political subdivision involved gives the governing body broad powers with respect thereto. Most of them make no specific reference to agricultural zoning, although sec. 19-903 does. The others use language permitting zoning for trade, industry, business, residences, and other purposes. Agriculture would certainly be included among "other purposes."

We can think of no reason why, in theory, at least, a zoning ordinance restricting the use of property to agricultural uses would not be upheld. The case of County of Saunders v. Moore, 182 Neb. 377, 155 N.W.2d 317 held that a vested interest in a nonconforming use under zoning regulations is a property right, and any statute or law purporting to take away that right is invalid. Under that case it would appear that a zoning ordinance restricting the use of land to agricultural purposes would have to contain the customary nonconforming use provision.

Other than that, we believe the rule is clear that zoning is within the police power of the state, and of the governmental subdivisions to which it is delegated. In Graham v. Graybar Electric Company, 158 Neb. 527, 63 N.W.2d 774 (1974) we find:

> "As to that the rules are:
>
> " ' What is the public good as it relates to zoning ordinances affecting the use of property is, primarily, a matter lying within the discretion and determination of the municipal body to which the power and function of zoning is committed, and, unless an abuse of this discretion has been clearly shown, it is not the province of the courts to interfere.' City of Omaha v. Glissman, 151 Neb. 895, 39 N.W.2d 828.
>
> " 'The validity of a zoning ordinance will be presumed in the absence of clear and satisfactory evidence to the contrary.' Davis v. City of Omaha, supra." (158 Neb. at 530.)

If a political subdivision were to conclude that certain property should be restricted to agricultural uses, subject to nonconforming use exceptions, we know of no reason why such zoning would be held invalid, assuming that it was not unreasonable and arbitrary.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:saa
cc Mr. Vincent Brown
Clerk of the Legislature

Opinion No. 122
September 11, 1975

Dear Senator DeCamp:

You have raised several questions related to the gambling provisions of the Constitution of the State of Nebraska and under the existing statutes regulating gambling within the State of Nebraska.

In your first question you ask what the policy of the Attorney General is in the enforcement of the gambling statutes of the state. The Attorney General's policy is the same in the enforcement of gambling statutes as it is in other criminal statutes existing in the State of Nebraska, that is, that the local law enforcement officials--the county sheriff, city police, the State Patrol and duly elected county attorney--have the primary responsibility for enforcing the criminal laws of the State of Nebraska, including those relating to gambling.

You also ask whether or not the Attorney General's office has recommendations for changes in the gambling laws or in the constitutional provisions relating to gambling. Our office has no recommendations for legislation in this area nor any recommendations for amending the Constitution of the State of Nebraska either in favor of or opposed to gambling. If specific proposals are made, we would, of course, be happy to review those as in other proposed legislation.

In your letter you cite "[S]uch things as the recent chess tournament and various carnival activities at the State Fair." and ask whether any changes can be made to existing statutes or whether a constitutional change is necessary to legalize such conduct. Without having specific changes before us we feel that it is impossible to make any comment with regard to such areas.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Special Assistant Attorney General

PTO:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 125
September 10, 1975

Dear Senator Bereuter:

You have furnished us with a copy of proposed legislation generally entitled "A Measure Designed To Promote The Accountability of Public Officials" drafted by Common Cause of Nebraska. You have indicated that you are considering the introduction of this legislation during the next legislative session and have therefore asked our opinion as to its constitutionality.

Since you have indicated that you must have our opinion by September 15, 1975, in order to be helpful to Common Cause, we have made every effort to thoroughly review the many provisions of this proposal in this short period of time. However, because of the extreme complexity and length of the draft, we have in most instances confined our review to general observations as to its constitutionality.

Generally this measure concerns open meetings of public bodies, campaign finance reporting, lobbying activities and registration and conflicts of interest. It would also create a Fair Political Practices Commission and would make certain appropriations. Article III, Section 14 of the Constitution of the State of Nebraska provides in pertinent part:

> "No bill shall contain more than one subject, and the same shall be clearly expressed in the title."

It would be our opinion that this legislation as drafted would most probably be invalid in that it clearly concerns more than one subject.

Article III, Section 14 of the Nebraska Constitution also provides:

> "And no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed."

Chapter three of the draft concerns amendments to Legislative Bill 325 passed by the First Session, 84th Legislature. As you may know, Legislative Bill 325 has been codified and appears generally in Chapter 84, Article 14 and at sec. 79-327, 1975 Supp., and sec. 85-104, 1975 Supp. This proposal as drafted purports to amend Section 2, Section 3, and Section 4 of the original legislative bill. Section 2 now appears as sec. 84-1409, 1975 Supp., Section 3 appears as sec. 84-1410, 1975 Supp., and Section 4 appears as sec. 84-1411, 1975 Supp. In light of the constitutional provisions set out above, it would be our opinion that in order for these provisions to be valid, special reference would have to be made to these sections indicating the amendments and also provisions added for the repeal of the original sections.

Chapter four of the draft concerns campaign financing. The present statutes concerning this subject are found generally beginning at sec. 32-1134 through sec. 32-1155, R.R.S. 1943, with secs. 32-1134, 35, 43.01, 43.02 and 49 found in the 1974 Supplement. While the draft does not purport to directly amend these sections, a conflict would certainly result between the provisions of the draft and the current sections of the statute and it would be our opinion that these sections should be directly amended and or repealed at the same time the new sections are enacted.

Chapter five of the draft concerns the activities of lobbyists and their registration. The current statutes concerning lobbying can be found generally at sec. 50-308 through sec. 50-318, R.R.S. 1943. Our observations concerning the need to amend or repeal these sections would apply to chapter five as well.

Chapter six of the draft concerns conflicts of interest and our observations on the need to amend or repeal would be applicable here also. The present statutes concerning conflicts of interest can be found generally in Chapter 49, Article 11.

Section 1.005 of the draft purports to restrict the Legislature's ability to repeal or in any respect amend any of the provisions of the entire enactment for a period of two years after passage of the act and further that the Legislature could thereafter only amend the measure upon a two-thirds vote and finally that it could only be repealed thereafter by a measure which becomes effective when approved by the electors. It would be our opinion that such provisions would probably be invalid in that they would limit and restrict the inherent power of any subsequent Legislature to legislate matters as they saw fit. We can find no authority which would permit one Legislature to bind a subsequent Legislature in this manner.

Additionally, we feel that the provisions requiring a two-thirds vote for the enactment of amendments to the provisions contained within the draft would be most likely invalid in that it would appear to violate the provisions of Article III, Section 13 of the Nebraska Constitution which states in part that:

> ". . . No bill shall be passed by the Legislature unless by the assent of a majority of all members elected. . . ."

We would be of the opinion that this language must be read as to provide that a measure shall pass upon its receipt of the vote of a majority of the members elected, therefore, we believe that it would be most difficult to defend constitutionally a provision enacted by one Legislature imposing a greater requirement upon a subsequent Legislature for the amendment of one specific measure.

Finally, we have found no authority supporting the proposition that the Legislature can dilute its Constitutional powers by requiring that the repeal of a given measure would only be effective upon the approval of a majority of the electors at large. Therefore, we would be of the opinion that this provision would be most difficult to defend constitutionality.

The draft contains certain provisions concerning appropriations. Section 1.010 provides in subsection (a) ". . . the State Auditors shall make sufficient funds available out of the emergency fund or any other fund of the state for the immediate implementation of Chapter seven." However, Article III, Section 25 of the Nebraska Constitution provides:

> "No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued as the Legislature may direct, ..." (Emphasis Added)

It would be our opinion that subsection (a) of Section 1.010 of the draft would probably be invalid as it does not make a specific appropriation for the implementation of these provisions. Additionally, Section 7.018 of the draft provides for partial appropriations for specific periods from January 1, 1977, through June 30, 1978. Article III, Section 22 of the Nebraska Constitution provides "Each Legislature shall make appropriations for the expense of government." (Emphasis Added) It would be our opinion that the provisions of Section 7.018 would probably be invalid in that they purport to commit subsequent legislatures to these appropriations in apparent conflict with this section of the Constitution. Finally, as previously stated above, Article III, Section 14 of the Constitution of the State of Nebraska provides ". . . No bill shall contain more than one subject, ..." We would be of the opinion that these provisions making these appropriations would probably additionally be invalid in that they are contained within the body of the enactment itself.

The proposed draft in Section 4.016(b) provides that ". . . anonymous contributions of more than twenty dollars ($20.00) shall not be kept by the intended recipient but instead shall be promptly paid to the Secretary of State for deposit in the General Fund of the state." It would be our opinion that this would be in the nature of a forfeiture and would be governed by Article VII, Section 7 of the Nebraska Constitution. The pertinent part of this section reads:

> "The following are hereby declared to be perpetual funds for common school purposes of which the annual interest or income

> only can be appropriated, to wit:. . . Fourth. The net proceeds of lands and other property and affects that may come to this state, by escheat, or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons."

It would be our opinion that any such forfeitures should be placed in such a perpetual fund and could therefore probably not constitutionally be placed directly into the General Fund.

Additionally, Section 7.017(i) provides that persons who obtain financial gain from violating any provisions of this enactment, in addition to any other penalty, may be required to pay into the Treasury of the State a sum equal to three time the financial gain resulting from such violations. This provision would seem to clearly be a fine or penalty and therefore, in our opinion, would be governed by Article VII, Section 5 of the Constitution. This section reads in pertinent part:

> "All fines, penalties, . . . arising under the general laws of the state, . . . , shall belong and be paid over to the counties respectively, where the same may be levied or imposed, ... All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, ..."

It would therefore, be our opinion that such fines or penalties could probably not be paid directly into the Treasury of the State as is provided in this section.

Section 7.017(g) generally limits a persons rights to have his or her name listed on the ballot or to have writein votes counted on his or her behalf for a period of time following a conviction for violations of certain provisions contained within this act. Subsection (h) provides that no person may be compensated or reimbursed for lobbying for a period of time following a conviction for a violation of certain other provisions. We have reservations generally about the validity of this section especially in light of the provisions of Article IV, Section 13 creating a board composed of the Governor, the Attorney General and the Secretary of State which shall have the power to remit fines and forfeitures, to grant respites, reprives, pardons and/or commitments in all cases of conviction of offenses against the laws of the state. Additionally, the Legislature has provided in sec. 29-112, R.R.S. 1943 that this board may restore the civil rights of any person convicted of a felony. In light of the fact that this particular draft does not purport to amend of repeal sec. 29-112 and in light of the constitutional provisions creating what is known as the Board of Pardons, we would be generally of the opinion that such a provision would probably not withstand close constitutional scrutiny.

As we indicated at the outset, we have not been able to closely examine each and every section of the proposal and cannot therefore make a constitutional evaluation on all of its many facets. However, as is outlined above, there are a number of areas which we believe would be constitutionally deficient and probably therefore, invalid in the draft as proposed.

After your consideration of the contents of this correspondence, we would be most willing to review any revised drafts of such legislation which you may desire to prepare for introduction at the next legislative session.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Special Assistant Attorney General

TRS:pjf

Opinion No. 131
October 7, 1975

Re: Acupuncture

Dear Senator Stoney:

You have indicated that you are considering introducing legislation during the 1976 Session dealing with the subject of acupuncture. You have asked whether acupuncture falls within the practice of medicine and surgery as defined by sec. 71-1,102, R.R.S. 1943. We have concluded that it does.

Acupuncture is defined in the American Heritage Dictionary of the English Language as a traditional Chinese therapeutic technique whereby the body is punctured with fine needles. Therapeutic is defined as having healing or curative powers. Such healing attempted by the use of needles comes within the definition of the practice of surgery in which healing is confined to manual operations. These are usually performed by surgical instruments or appliances as distinguished from the practice of medicine which includes the use of medicine and drugs for the purpose of curing, mitigating or alleviating bodily diseases.

The definition of the practice of medicine and surgery in sec. 71-1,102, R.R.S. 1943, includes either the practice of medicine or the practice of surgery. As the court said in Little v. State, 60 Neb. 749, 84 N.W. 248 (1900), where rubbing, pulling and kneading with the hands and fingers certain portions of the body afflicted with disease in order to remove the cause or causes of trouble was held to be the practice of medicine:

> ". . . [A]ll physicians have the same object in view, namely the restoring of the patient to sound bodily or mental condition, and

> whether they profess to attack the malady or its cause, they are treating the ailment, as the word is popularly understood. . . ." Supra at 752.

The rationale for requiring licensure of such persons is set out in State v. Buswell, 40 Neb. 158, 58 N.W. 728 (1894):

> ". . . The object of the statute is to protect the afflicted from the pretensions of the ignorant and avaricious, and its provisions are not limited to those who attempt to follow beaten paths and established usages. . . ." Supra at 170.

In conclusion, acupuncture comes within the definition of the practice of medicine and surgery as defined by sec. 71-1,102, R.R.S. 1943.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Marilyn B. Hutchinson
Special Assistant Attorney General

MBH:smh
cc: Mr. Vincent D. Brown
Clerk of the Nebraska Legislature

Opinion No. 132
October 9, 1975

Dear Senator Mahoney:

You have written a letter to this office wherein you state that in light of recent opinions which have been issued by this office relative to contractual agreements between public school districts and nongovernmental institutions for special educational programs for handicapped children it is the concern of the Executive Board of the Legislature that other ongoing educational programs of the State of Nebraska may be in jeopardy. You then ask two (2) questions. Each are hereinafter discussed.

I.

> "Does the University of Nebraska's veterinary program violate Article 7, Section 2 of the Nebraska Constitution?"

The statutory authority for the University of Nebraska's veterinary program is Neb. Rev. Stat. Section 85-180 (Reissue 1971). That statute declares:

> "Until such time as the Legislature may provide suitable structures and educational facilities for a School of Veterinary Medicine and Surgery, the Board of Regents is authorized to enter into agreements with suitable schools or colleges of veterinary medicine and surgery in other states, and to make expenditures pursuant thereto, for the purpose of utilizing the educational facilities of such schools and colleges for teaching students in the Nebraska School of Veterinary Medicine and Surgery in such required courses as are not offered at the University of Nebraska by reason of a lack of suitable facilities."

Article VII of the Constitution of Nebraska pertains to education. Section 2 of that article declares:

> "The State Department of Education shall be comprised of a State Board of Education and a Commissioner of Education. The State Department of Education shall have general supervision and administration of the school system of the state and of such other activities as the Legislature may direct."

The general government of the University of Nebraska is vested, under the Constitution of Nebraska, in a Board of Regents.Thus Neb. Rev. Stat. Section 85-180 (Reissue 1971) is in accord with section 10 of Article VII of the Constitution of Nebraska and does not conflict with section 2 of Article VII of the Constitution of Nebraska. We are therefore of the opinion that the University of Nebraska's veterinary program does not violate section 2 of Article VII of the Constitution of Nebraska.

We recognize that your first question may contain a clerical error. Therefore on the chance that you intended to ask whether or not the University of Nebraska's veterinary program violates section 11 of Article VII of the Constitution of Nebraska we have elected to discuss the same. In connection therewith we have been informed that the Board of Regents, pursuant to Neb. Rev. Stat. Section 85-180 (Reissue 1971), has entered into agreements with suitable schools and colleges of veterinary medicine and surgery, which are owned and controlled by other states or political subdivisions thereof, and have made expenditures pursuant to said agreements from appropriations made by the Legislature for the purpose of utilizing the educational facilities of such school and colleges for teaching students in the Nebraska School of Veterinary Medicine and Surgery certain courses.

Section 11 of Article VII of the Constitution of Nebraska, in part, declares:

> "Appropriation of public funds shall not be made to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof."

In view of the fact that the above described agreements require an expenditure of public funds to schools or institutions of learning not owned or exclusively controlled by the State of Nebraska or a political subdivision thereof it might appear that said agreements and Neb. Rev. Stat. Section 85-180 (Reissue 1971) violate section 11 of Article VII of the Constitution of Nebraska. However, it must be remembered that the agreements are between the Board of Regents of the University of Nebraska and governmental entities of other states.

Section 18 of Article XV of the Constitution of Nebraska declares:

> "The state or any local government may exercise any of its powers or perform any of its functions, including financing the same, jointly or in cooperation with any other governmental entity or entities, either within or without the state, except as the Legislature shall provide otherwise by law."

The Legislature, pursuant to Neb. Rev. Stat. Section 85-180 (Reissue 1971), has expressly provided that the Board of Regents may enter into agreements with suitable schools or colleges of veterinary medicine and surgery in other states for certain purposes. So long as those agreements are made with schools or colleges which are owned or exclusively controlled by other states or political subdivisions of other states, section 11 of Article VII of the Constitution of Nebraska is not violated. See, section 18 of Article XV of the Constitution of Nebraska, which is quoted above. We are therefore of the opinion that the University of Nebraska's veterinary program, as it has been described to us, does not violate section 11 of Article VII of the Constitution of Nebraska.

Perhaps an additional comment is in order. In an opinion filed 23 May 1975 this office applied the rule of ejusdem generis to the precise language used in Neb. Rev. Stat. Section 43-642 (Supp. 1974) and concluded that the general phrase "any program operated or approved by the State of Nebraska" in that statute refers to and means any such programs offered by governmental institutions of this state. That opinion is strictly in accord with the constitutional principles discussed herein and is hereby affirmed.

II.

> "Is Nebraska constitutionally barred from participating in the State Incentive Program of the Federal Government because the State Constitution prohibits the state from adding funds to the federal funds provided for this program?"

The State Student Incentive Grant Program, Title IV, Part A, Subpart 3 of the Higher Education Act of 1965, as amended, makes federal funds available to the states to assist them in providing grants to eligible students to attend or continue to attend institutions of higher education. It does not require the states to appropriate funds to match federal funds and to award the combined funds in the form of a grant to students to attend or continue to attend institutions of higher education which are not owned or exclusively controlled by the respective states. Consequently Nebraska is not constitutionally barred from participating in the State Incentive Grant Program of the federal government.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:smh
cc: Mr. Vincent D. Brown
Clerk of the Nebraska Legislature

Opinion No. 133
October 29, 1975

Dear Senator Clark:

You request our advice concerning section 66 of LB 6, for the First Special Session of the Eighty-Fourth Legislature. Section 66 of LB 6 reads as follows:

> "To allow flexibility in meeting the reduction in the total agency General Fund appropriations made by this act, each agency is authorized to expend from any program General Fund appropriation an amount not to exceed the original General Fund appropriation to that program provided by the Eighty-fourth Legislature, First Session, 1975; Provided, the total agency General Fund expenditure shall not exceed the General Fund appropriation established by this act."

In particular, you ask if section 66 is a constitutional delegation of authority. We find that it is not. We also find that section 66 is probably invalid in that it does not satisfy the constitutional requirement that appropriations be "specific."

Under Section 22, Article III, Constitution of Nebraska, it is the duty of each Legislature to make appropriations for the expenses of government. Section 25 of that same Article is as follows:

> "No allowance shall be made for the incidental expenses of any state officer except the same be made by general appropriation and upon an account specifying each item. No money shall be

> drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued as the Legislature may direct, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatsoever by resolution."

The term "specific appropriation" has been defined repeatedly by the courts. In State v. Wallichs, 12 Neb. 407, 11 N.W. 806 (1882), the court said:

> ". . . 'specific appropriation' means a particular, a definite, a limited, a precise appropriation, . . ."

In State ex rel. Cline v. Wallichs, 15 Neb. 609, 20 N.W. 110 (1884), the court said:

> ". . . A specific appropriation is one expressly providing funds for a particular purpose. There can be no implied appropriation of money under our constitution, nor any claim audited unless the items of the account are set out. . . . There is also a provision that, 'no money shall be diverted from any appropriation made for any purpose.' The legislature possesses no power to make an implied appropriation, . . ."

In State v. Moore, 50 Neb. 88, 69 N.W. 373 (1896), the court said:

> ". . . An appropriation may be specific, according to any of the definitions heretofore given, when its amount is to be ascertained in the future from the collection of the revenue. It cannot be specific when it is to be ascertained only by the requisitions which may be made by the recipients. . . ."

In view of the authorities cited above, it appears that section 66 of LB 6 does not satisfy the constitutional requirement that appropriations be specific. Section 66 authorizes each agency". . . to expend from any program General Fund appropriation an amount not to exceed the original General Fund appropriation to that program provided by the Eighty-fourth Legislature, . . ." The overall effect of section 66 is that the Legislature has made a straight lump sum appropriation to the particular agency and the executive officers of that agency are delegated the authority to determine which program appropriations should be reduced and which program appropriations should be maintained at their previous level or possibly increased above the previously appropriated level. The obvious purpose of this section is to give the executive branch freedom to administer and expend the funds as they might determine. This does not constitute a "specific appropriation" but is a straight lump sum appropriation and therefore is not valid under our Constitution.

In State v. Moore, 50 Neb. 88, 69 N.W. 373 (1896), the court, in discussing appropriations, said the following:

> ". . . to 'appropriate' is to set apart from the public revenue a certain sum of money for a specified object, in such manner that the executive officers of the government are authorized to use that money, and no more, for that object and for no other. This definition cannot be too strict as applied to our own constitution containing the requirment that the appropriations must be specific. . . ."

In addition, our constitutional provision provides that no money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatever, either by joint or separate resolution. This is a restriction upon the legislative authority to take funds from an appropriation to an agency without enacting specific legislation therefor. It does not, therefore, appear logical that the Legislature could authorize the executive officers of any agency to accomplish the same end by a general statement of intent in an appropriation bill such as is seen in section 66 of LB 6. We conclude, therefore, that section 66 of LB 6 is probably an invalid delegation of legislative authority. See, Rein v. Johnson, 149 Neb. 67, 30 N.W.2d 548 (1947), at page 80.

In view of the above discussions and cited authorities, it is our opinion that section 66 of LB 6, for the First Special Session of the Eighty-Fourth Legislature is probably invalid because it fails to satisfy the constitutional requirement that appropriations be specific and also because it constitutes an unconstitutional delegation of legislative authority. While our answers are somewhat general, we do hope that they can serve as a guideline to your committee and the Legislature in its consideration of the appropriations bill.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Paul W. Snyder
Special Assistant Attorney General

PWS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 134
October 24, 1975

Dear Senator Mahoney:

In your letter of October 21, 1975, you make reference to Article VIII, Section 8 of the Nebraska Constitution which provides:

> "The Legislature at its first session shall provide by law for the funding of all outstanding warrants, and other indebtedness of the state, at a rate of interest not exceeding eight per cent per annum."

This section has no particular use at this time. As you will note, it required the Legislature, at its first session, to make provision for outstanding warrants, etc. In State ex rel. Omaha National Bank v. McBride, 6 Neb. 506 (1877), the court said that the sole purpose of the section was to provide for the payment of the state debt outstanding at that time, and that the execution of that object exhausted the power conferred by the section.

You ask whether the State Treasurer can issue warrants to cover current fiscal year appropriations. Subject to the limitations we will discuss later, we believe he can. Chapter 77, Article 22 of the Revised Statutes makes provision for the issuance of warrants. Section 77-2203 provides:

> "Whenever a warrant is presented for payment to any such treasurer and there is not sufficient money on hand to the credit of the proper fund to pay the same, it shall be the duty of every such treasurer to enter such warrant in his warrant register for payment in the order of its presentation, and upon every warrant so presented and registered, he shall endorse registered for payment, with the date of registration, and shall sign such endorsement."

You also ask whether he must be specifically authorized to do so by the Legislature, or whether it is discretionary on his part. It appears that the answer to both of your questions is "no." Section 77-2203 already appears to give him all of the authorization he needs, and, as a matter of fact, seems to make it mandatory, rather than discretionary, for him to register warrants under the circumstances outlined in the statute.

You further ask whether the Legislature can direct the issuance of registered warrants. It appears that Chapter 77, Article 22 does not contemplate that warrants be registered unless required by the factual situation therein outlined. A direction that they be registered, as, for example, by a legislative resolution, would not, in our opinion, have any effect. If the factual situation did not exist, he would have no statutory authority to register warrants; if it did exist, he would have no alternative but to do so. Obviously, the Legislature could amend the statute to change the forgoing answer.

Your next question is whether the issuance of registered warrants is restricted by the provisions of Article XIII, Section 1 of the constitution. We conclude that it is. This section provides in part:

> "The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, . . ."

In an opinion of this office dated May 24, 1971, Report of the Attorney General 1971-72, page 133, we stated that in our opinion this section of the constitution was not applicable to the issuance of registered warrants, because the issuance of a registered warrant to cover a debt already incurred does not constitute "contracting" a debt, but that the warrant is issued only as evidence of a pre-existing debt. This may be true, but we now conclude that this does not answer the question, because if the pre-existing debt or debts amount to more that one hundred thousand dollars, the state must necessarily have violated Article XIII, Section 1 in contracting them. Perhaps it is not the issuance of the registered warrants that constitutes the violation, but the issuance of registered warrants in excess of one hundred thousand dollars would be evidence that a violation had occurred.

In the case of In re State Warrants, 25 Neb. 659, 41 N.W. 636 (1889), the court held that state warrants drawing interest were "state securities" under a constitutional provision authorizing the investment of educational funds in state securities. In State v. Stuefer, 66 Neb. 381, 92 N.W. 646 (1902), the court cited In re State Warrants in support of the proposition that state warrants were "state securities," and went on to say:

> ". . . On the other hand, the state securities or bonds of this state, because of the limitation imposed by section 1 of article 12 of the constitution, can never exceed, under ordinary circumstances, the sum of $100,000. . . . "

Perhaps it can be argued that the issuing of registered warrants does not amount to contracting debts, but the warrants are only evidence of a pre-existing debt. In any event, if the total of such debts is in excess of $100,000, a violation of Article XIII, Section 1 has occurred, and the illegal act is not purified by the issuance of registered warrants.

You also state that you assume that warrants could not be issued in excess of current fiscal year appropriations. Your assumption is correct.

Article III, Section 25 of the constitution provides that no money shall be drawn from the treasury except in pursuance of a specific appropriation made by law. No warrant, registered or otherwise, can be issued except as authorized by legislative appropriation.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 143
November 24, 1975

Dear Senator Savage:

You have written to this office requesting our advice if additional legislation is necessary or the approval of the Legislature is required in order for the State of Nebraska or a division thereof, particularly the Highway Department, to accept pieces of sculpture from the I-80 Bicentennial Sculpture Corporation. You suggest that if such legislation is necessary, you plan to introduce it in the next session of the Legislature.

We are enclosing a copy of an opinion written to the Honorable Douglas K. Bereuter dealing with the question of whether or not these items of sculpture are real property or personal property. This is for your information.

Section 39-1320, R.R.S. 1943, 1975 Supp., provides in part as follows:

> "The department is hereby authorized to acquire, either temporarily or permanently, lands, real or personal property or any interests therein, or any easements deemed to be necessary or desirable for present or future state highway purposes by gift, . . ."

In view of this statutory provision, whether or not the statuary are considered to be real or personal property, it is still within the authority of the Department of Roads to acquire such by gifts. No legislation is needed to accomplish this.

Yours very truly,
PAUL L. DOUGLAS
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:ejg
enc.
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 144
November 24, 1975

Dear Senator Bereuter:

You have requested our opinion as to whether the items of sculpture involved in the proposed I-80 Bicentennial Sculpture Project individually or collectively can be considered to be real property which would therefore require the approval by both the Governor and the Legislature before acceptance under section 21 of LB 605 enacted by the First Session of the Eighty-Fourth Legislature. While this pertains to a bill which has been enacted and has become law, as a member of the Legislature it does appear that you do have an interest as a member of the Legislature. If legislative approval is required, you, as a member of that body, would be required to participate in the decision.

We are not fully familiar with the details of the sculpture project. For the purpose of responding to your question, we shall assume that the various items o sculpture are to be put into final form in accordance with certain specifications and designs which have been accepted and approved. We further assume that on completion the finished sculptures will be then accepted and put in position at various locations along the Interstate.

Section 21 of LB 605 directs for the disposition of gifts made to the state. It contains a proviso that all gifts or devises of real property in excess of $10,000 to be used for state purposes must be approved by the Governor and the Legislature. The validity of this proviso and its applicability to the sculpture project is certainly questionable. However, for the purposes of this response, we will assume its validity. We also will assume that each item of sculpture to be given to the state is in excess of $10,000 in value.

Real property has been defined as consisting of such things as are permanent, fixed and immovable as lands, tenements and hereditaments of all kinds. The word land includes not only the soil but everything attached to it, including buildings, fixtures and fences. 63 Am.Jur.2d, Property, Section 11. Personal property is all property other than real property such as money, goods and movable chattels. 68 Am.Jur.2d, Property, Section 22. The sculptures here involved at the time of their acceptance and approval, which we assume will be done prior to their being moved to their permanent site, will still be movable property. At this time they are nothing more than items of personal property. When they are finally moved to their location and permanently affixed and attached to the land on which they are to stand, they will then become a part of the real property along the Interstate route. Until such has been accomplished with the intent to affix such permanently, they will remain personal property.

Yours very truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 145

December 1, 1975

Dear Senator DeCamp:

You have asked our opinion on a prospective piece of legislation that you are suggesting. That legislation would provide that no doctors could practice medicine and no lawyers could practice law if more than fifty per cent of their income came from sources or work outside of their respective professions. It is our opinion that such a piece of legislation would be constitutionally invalid.

The right to earn a livelihood by following the ordinary occupations of life is protected by the Constitution. Such protection is particularly found in the guarantees of the Fourteenth Amendment. State v. Sperry & Hutchinson Company, 94 Neb. 785 (1913). Personal liberty includes the right of the citizens to be free to use his faculties in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or vocation, and for that purpose to enter into all contracts which may be proper, necessary, and essential to his carrying out these purposes to a successful conclusion. 16 Am.Jr.2d, Constitutional Law, Section 359. In Hall v. State, 100 Neb. 84 (1916), the Nebraska Supreme Court said that a person living under the protection of the United States Government has the right to adopt and follow any lawful industrial pursuit not injurious to the community.

It is well settled by a great many cases dealing with almost every type of enterprise, trade, occupation, and profession that the state under its police power has the right to regulate any and all kinds of business in order to protect the public. The constitutional right of every person to pursue a business, occupation, or profession is subject to the paramount right of the government, as part of its police power, to impose such restrictions and regulations as the protection of the public may require. In Nelsen v. Tilley, 137 Neb. 327 (1939), the Nebraska Supreme Court said that the right to engage in a lawful and useful occupation cannot be taken away under the guise of regulation, but such an occupation may be subjected to regulation in the public interest even though such regulation involves, in some degree, a limitation on the exercise of the right regulated. This position was affirmed in Elder v. Doerr, 175 Neb. 483 (1963).

The state may not under the guise of protecting the public, arbitrarily interfere with private business or prohibit lawful occupations or impose unreasonable or unnecessary restrictions upon them. State v. Sperry & Hutchinson Company, supra. In Lincoln Dairy Company v. Finigan, 170 Neb. 777 (1960), the Nebraska Supreme Court held that a citizen has the constitutional right to engage in any occupation not detrimental to the public health, safety and welfare. Measures adopted by the Legislature under the police power to protect the public health and secure the public safety and welfare must have some reasonable relationship to those proposed ends. Thus, while the state under its police power may regulate any and all kinds of businesses in order to protect the health, morals and welfare of its citizens, these regulations must have some reasonable relationship to those proposed ends.

In Gillette Dairy, Inc. v. Nebraska Dairy Products Board, 192 Neb. 89 (1974), the Nebraska Supreme Court held that whether a business is charged with a legal public interest as to warrant its regulation is a legislative question in which the court ordinarily will not interfere. The Legislature may not, however, under the guise of regulation impose conditions which are unreasonable, arbitrary, discriminatory or confiscatory. Such regulations must be reasonable considering the nature of the business and not such as would prevent the carrying on of the business. A citizen has the constitutional right to own, acquire and sell property. If it becomes apparent that a statute under the guise of a police regulation does not tend to preserve the public health, safety and welfare but tends more to stifle legitimate business by creating the monopoly or trade barrier, it is unconstitutional as an invasion of the property rights of the individual.

In the case of the prospective piece of legislation you have suggested, the question is whether that legislation has as its purpose the protection of either the public health, safety or welfare or would it only tend to stifle legitimate business or prevent individuals from entering a legitimate and legal occupation which they have a constitutional right to pursue. Unless the proposed legislation will further either the public health, safety or morals, such legislation restricting attorneys and doctors clearly seems to be arbitrary and thus unconstitutional.

The closest case on point is an old New York opinion, Hauser v. North British & Mercantile Insurance Company, 100 N.E.52, 206 N.Y. 455 (1912). This case involved a newly enacted New York statute which provided in part that before any broker certificate of authority would be issued by the Superintendent of Insurance there had to be filed in his office a written application for such certificate, which must set forth that the applicant is principally engaged or intends to principally engage in good faith in the insurance business or that he conducts or intends to conduct such business in connection with the real estate agency or real estate brokerage business. Theplaintiff was an attorney and his application for an insurance certificate was refused upon the ground that said application did not set forth that he was engaged or intended to engage in good faith, principally, in the insurance business. The New York Court of Appeals held that such a statute was clearly unconstitutional and said:

> "That statute before us goes far beyond what is proper regulation and is prohibitory, in preventing a person from pursuing occupation of an insurance broker, except as his principal business, or as an adjunct to a real estate business. To use the language in the case of Wynehamer v. People, 13 N.Y. at page 399, this statute 'passes the upmost limit of regulation, and does not even wear a disguise.'. . . Arbitrarily, the statute interfers with the citizens business pursuits and, by an unreasonable discrimination, deprives him of that equal opportunity, which the Constitution guarantees to him." (Id. at 54)

In summary, unless the prospective piece of legislation will in some way further either the public health, safety and morals of the state, such a law would be unconstitutional as an unreasonable interference with the constitutional right to pursue any lawful occupation.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Paul W. Snyder
Special Assistant Attorney General

PWS:pjf
cc: Mr. Vincent Brown
Clerk of the Legislature

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (Cum. Supp. 1972) a summary of all fees paid to date during calendar year 1975 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	ATTORNEYS	FEE
Central Platte	James Shamburg	$ 912.38
Lewis & Clark	Craig Monson	75.00
Lower Big Blue	Arnold E. Wullschleger	546.41
Lower Loup	None	
Lower Niobrara	None	

DISTRICT	ATTORNEYS	FEE
Lower Platte South	Crosby, Guenzel, Davis, Kessner & Kuester	18,000
Lower Republican	None	
Middle Missouri Tribs	C. J. Galvin	2,327.70
Middle Niobrara	Rodney J. Palmer	27.00
Middle Republican	Schroeder & Schroeder	763.00
Nemaha		
Upper Big Nemaha	Anderson, Hubka, Kraviec	393.17
Wilson Creek	Wellensiek & Davis	236.00
Rock Creek	Newtor & Malcom	52.50
Upper Big Nemaha	Hietbrink	25.00
	D. Jacobsen	10.00
North Platte	Hotlorf, Hansen, Kovarik & Nuttleman, P.C.	676.53
Papio	Paul F. Peters	5,679.90
	Moore, Moore & Peters	4,164.88
Upper Big Blue	Swehla & Brugh	300.00
Upper Elkhorn	Finn & Olberding	15.00
Upper Loup	None	
Upper Niobrara-White	None	
Upper Republican		100.00
Tri-Basin	None	

COMMUNICATIONS

Acknowledged receipt of Concurrent Resolution from Indiana Senate supporting sovereignty of the United States over the Panama Canal Zone. Resolution on file in the Clerk's Office.

Acknowledged receipt of House Concurrent Resolution No. 36 from Delaware regarding amendment to Constitution limiting federal expenditures. Resolution on file in the Clerk's Office.

Acknowledged receipt of Louisiana Concurrent Resolution No. 109 regarding amendment to Constitution limiting federal expenditures. Resolution on file in the Clerk's Office.

STATE OF NEBRASKA
NATURAL RESOURCES COMMISSION

August 29, 1975

Mr. Vincent D. Brown
Clerk of the Legislature
Room 2018, State Capitol
Lincoln, Nebraska 68509

Dear Vince:

The Nebraska Resources Development Fund was created on July 12, 1974, when Legislative Bill 975 as adopted by the Eighty-Third Legislature, Second Session, became law. Section 2-3265 of that law requires that the Natural Resources Commission submit an annual report to the Governor and the Legislature describing the work accomplished by the use of the Development Fund.

The Development Fund has been in existence for slightly over a year. As such, the Fund is just now becoming functional. The Advisory Board has been purposefully careful in the development of the Rules and Regulations and in their scrutinization of potential projects under the Fund. Administrative and operational procedures have been established and are being revised where necessary to more closely conform with the intent of the Law. I now feel that project fund dispersement for Nebraska's land and water resources development will proceed at an increasing rate for those acceptable projects.

Project proposals and applications submitted under the Fund and the status thereof are presented in the enclosed report. It is, therefore, with extreme pleasure that I submit to you this first functional report of the Nebraska Resources Development Fund. I sincerely hope that the report will aid you in monitoring the progress of the Development Fund in its role of expanding Nebraska's natural land and water resources.

As this is the first year that a substantial report is being submitted to you and the Governor, I have also taken the liberty to provide each of Nebraska's Senators with a copy of the 1975 Annual Report. Many were extremely instrumental in obtaining the Development Fund and should be very interested in the progress of the program. I also am of the opinion that even those who were skeptical of such a Fund will be enlightened by the variation of projects applying for assistance and hopefully will pledge themselves to its perpetuation.

If you have further questions concerning the Development Fund, please do not hesitate in requesting assistance from this office.

Sincerely,
(Signed) Dayle E. Williamson
Executive Secretary

DEW:RH:mr
Enclosure

NEBRASKA RESOURCES DEVELOPMENT FUND ANNUAL REPORT TO THE GOVERNOR AND THE LEGISLATURE
AUGUST, 1975

The Nebraska Resources Development Fund Act of 1974 created a fund to assist in the wise development of Nebraska's land and water resources. The Act delegates responsibilities to the Nebraska Natural resources Commission and to an Advisory Board, composed of state agency representatives from eight state agencies. Those agencies are:

Department of Economic Development
State Office of Planning & Programming
Department of Water Resources
Game & Parks Commission
Conservation and Survey Division, UNL
Department of Agriculture
Department of Environmental Control
Nebraska Natural Resources Commission

Advisory Board & Commission Activities

The prime function of the Advisory Board is to determine project eligibility for Resource Development Fund assistance. The Board has also been delegated to determine the type of project assistance appropriate for specific projects, grants, loans, or a combination thereof. To aid in accomplishing these tasks, the Advisory Board has adopted Rules and Regulations and project completion guidelines.

Since the initial progress report of August 26, 1974, the Advisory Board has held six public informational meetings throughtout the state. In order to arrive at state-wide input to the Rules and Regulations, meetings were held at Ogallala, Bassett, Scottsbluff, Hastings, Norfolk and Lincoln.

On December 17, 1974, the Advisory Board and the Natural Resources Commission held a joint public hearing on the Rules and Regulations of the Development Fund in the Lincoln Center Building, 5th Floor, Lincoln, Nebraska. The hearing was held open, to receive comments from the public, until January 15, 1975. On January 22, 1975, in joint session at North Platte, Nebraska, the Advisory Board and the Nebraska Natural Resources Commission adopted the Rules and Regulations of the Nebraska Resources Development Fund. The Rules and Regulations were approved by the Attorney General on February 24, 1975 and were filed on February 25, 1975.

In order to make the Rules and Regulations more compatible with the Law, they were revised in July, 1975, and a joint public hearing between the Advisory Board and the Natural Resources Commission was held on August 21, 1975. The changes were adopted and filed with the Attorney General on August 25, 1975.

Projects Submitted to the Development Fund for Assistance

Winters Creek Project Proposal

Sponsored by the North Platte Natural Resources District and Scotts Bluff County. The proposal was received on January 16, 1975 and requested $652,900 in the form of a grant. The project is for construction of a dry dam on Winters Creek for flood control and for construction of a drainage bypass ditch around the north fringe of Scottsbluff. The Advisory Board referred the proposal to the Small Watersheds Flood Control Fund because of the landacquisition aspect of the project. Sponsors are to follow with an application at a later date. Several meetings have since been held with the sponsors of the project.

Water Supply Project Proposal (Douglas & Washington Co.)

Sponsored by the Papio Natural Resources District. The proposal was received on February 18, 1975 and requested $647,350 in the form of a loan and/or a grant. The project is to provide a drinking water supply system to areas just north of Omaha and possibly to the Village of Fort Calhoun. The Advisory Board has recommended that the sponsors obtain full F.H.A. funding prior to submitting a final application. The Board has also determined that the project is eligible for a loan, but not a grant. There has been no further communication with the sponsors since May 16, 1975.

Missouri River Levee - R-616 Project Proposal

Sponsored by the Papio Natural Resources District. The proposal was received on February 18, 1975 and requested $180,000 in the form of a grant. The project is to construct a levee from Bellevue to the Platte River along the Missouri River on the Nebraska boundary. Because of the land acquisition aspect of the project, the Advisory Board referred the sponsors to the Small Watersheds Flood Control Fund. They were also notified that an application could follow after going through that fund. There has been no further communication since May, 1975, except that the project was deemed eligible under the Small Watersheds Flood Control Fund.

Maskenthine Multi-Purpose Project Application

Sponsored by the Lower Elkhorn Natural Resources District. The application was received on March 6, 1975 and requested $303,000 in the form of a grant. The application is to provide funds for the construction of the structure for the Maskenthine flood control and recreation project. The application was revised and resubmitted on May 14, 1975. The Advisory Board has studied the application in depth and is assured that the findings of fact have been satisfied. The Board recommended to the Commission the following action:

1. Recommend approval of the Maskenthine Flood Control and Recreation Project for funding eligibility.
2. Recommend that the funding take the form of a grant.

3. Recommend that the degree of assistance for a grant be 75% of the construction costs not to exceed $300,000. (Based on a letter from the Soil Conservation Service dated May 12, 1975 stating that construction costs would total $400,000).

The Natural Resources Commission at the August 21, 1975 meeting, voted to accept the recommendations of the Advisory Board. In so doing, the Commission allocated seventy-five (75) percent or up to $300,000 for the construction of the Maskenthine Multi-Purpose structure. These are the first funds to be allocated by the Development Fund.

Central Platte Ground Water/Nitrate Project Proposal and Application

Sponsored by the Central Platte Natural Resources District. The project proposal was received April 3, 1975 and requested $96,350 in the form of a grant. The project proposal is to provide funds to advance a study of the high nitrate problems along the Platte Valley. Application of the study and its findings are assumed to be state-wide in scope, especially with the new emphasis on ground water drinking supplies. The Advisory Board requested that the sponsor submit an application and assess the costs and other avenues of funding before that submission. The full application and feasibility report was received on July 24, 1975 and revised to request $86,250 in the form of a grant. At this time, the Advisory Board has not taken formal action on the project application.

Water Supply Project Application (Thayer & Jefferson Co.)

Sponsored by the Little Blue Natural Resources District. The project application was received on April 4, 1975 and requested $137,000 in the form of a grant. The project is to supply a rural water system for 130 benefit users. The Advisory Board recommended to the Commission that the project was eligible for a loan and not a grant. The Commission voted to uphold that recommendation and the applicant sponsor was so informed. To date, no request for a loan has been received of the Fund.

Whitney Water Irrigation Supply Line Project Proposal

Sponsored by the Whitney Irrigation District. The project proposal was received on April 7, 1975 and requested $19,500 in the form of a grant. The project is to fund a feasibility study for future application to the Bureau of Reclamation to refurbish the Whitney Irrigation Project. The Advisory Board advised the Commission that a feasibility study of this nature is ineligible for funding under the Rules and Regulations of the Development Fund. However, after the total project is funded, those costs not federally supported may be eligible for Development Fund assistance.

The Commission voted to disapprove eligibility at that time, and the sponsors were so notified. No further action has been taken on this project to date.

Walnut Creek Project Proposal

Sponsored by the Lower Big Blue Natural Resources District. The project proposal was received on April 7, 1975 and requested $240,000 in the form of a grant. The project is designed to provide five flood control structures on the Walnut Creek Watershed situated just above the town of Crete. The Advisory Board has recommended that the sponsor submit an application and feasibility report. At this time, no furhter action has been directed to the Fund.

Hanson's Lake Inquiry

Submitted by Sarpy County Board of Commissioners. The inquiry was requesting funds to strengthen a dike adjacent to the Platte River; no funds actually requested, the Advisory Board recommended that the sponsor submit a proposal. The sponsor was cautioned that no funds could be allocated or committed unless the project was in conformance with L.B. 108, the Flood Plain Law of 1967 and the Corps of Engineers dredging and filling permit qualifications. No further action has been directed to the Development Fund.

Willow Creek Project Proposal

Sponsored by the Lower Elkhorn Natural Resources District. The proposal was received on July 15, 1975, an actual amount of funds have not been requested. The project proposal is for the construction of a flood control and recreation structure and area on Willow Creek in Pierce County. The proposal is referred to the Advisory Board Committee for review. No other action has been taken by the Advisory Board.

McCook Flood Control Project Proposal

Sponsored by the Middle Republican Natural Resources District. The proposal was received August 18, 1975 and requests $346,150 in the form of a grant. The project is for construction of two flood control structures above the City of McCook to provide flood and sediment damage reduction to public and private facilities. The proposal is referred to the Advisory Board Committees for review. No other action has been taken by the Advisory Board.

Funding Expenditures

As stated under the Maskenthine Multi-Purpose Project Application Section, $300,000 has been allocated for that project. Disbursement of funds will follow completion of work elements as performed.

(Signed) Dayle E. Williamson
Executive Secretary
Nebraska Natural Resources Commission
(Signed) Vincent H. Dreeszen
Chairman
Development Fund Advisory Board

DEPARTMENT OF PUBLIC INSTITUTIONS

September 30, 1975

MEMORANDUM

TO: Governor J. James Exon
Executive Board, Nebraska State Legislature
Vincent D. Brown, Clerk of the Legislature
Dale Johnson, Legislative Fiscal Office
Pat McCormally, Governor's Budget Office

FROM: Jack M. Cleavenger, Director

RE: Report on Cottage Occupancy Experience
Beatrice State Home

Attached for your information and files is a copy of the evaluation of the new cottages at the Beatrice State Home as required by LB1055, Section 7. We would appreciate any comments you may have.

JMC:ms
Attachment (Filed in the Clerk's Office).

DEPARTMENT OF PUBLIC INSTITUTIONS

October 31, 1975

MEMORANDUM

TO: Governor J. James Exon
Senator Eugene T. Mahoney, Chairman
Executive Board of the Legislative Council
Vincent D. Brown, Clerk of the Legislature
Dale B. Johnson, Legislative Analyst
Patrick J. McCormally, DAS Budget Office

RE: LB605 – Nebraska Veterans' Home

In compliance with Section 5(2)(a) of LB605, Eighty-Fourth Legislature, first session, attached is data requested on the Nebraska Veterans' Home.

(Signed) Jack M. Cleavenger, Director

JMC:ms
Attachment (Filed in the Clerk's Office).

Acknowledged receipt of resolution from Custer County, Broken Bow, Nebraska on increase of interest rates on delinquent taxes. Resolution on file in the Clerk's office.

Acknowledged receipt of resolution from the South Platte United Chamber of Commerce in regard to energy shortage. Resolution on file in the Clerk's office.

NEBRASKA GAME AND PARKS COMMISSION

December 17, 1975

Mr. Vincent D. Brown
Clerk of the Legislature
Room 2018, State Capitol
Lincoln, NE 68509

Dear Mr. Brown:

Enclosed please find a copy of the plan for certification of recreation access roads by the Game and Parks Commission as required by Section 39-1391.92, R.R.S.

This plan was adopted by the Game and Parks Commission in public meeting on December 5, 1975.

Very truly yours,
WILLARD R. BARBEE, Director
(Signed) William J. Bailey, Jr.
Assistant Director

WJB:jh
cc: John Rochford
Plan for access roads on file in the Clerk's office.

STATE OF NEBRASKA
NEBRASKA INDIAN COMMISSION

December 19, 1975
Memorandum
TO: The Nebraska Legislature
From: Robert B. Mackey, Executive Director
Subject: Interim Year-End Report
Ref: Nebraska Indian Affairs

Improper and incorrect action by the Governor of Nebraska has created difficult problems for the entire Nebraska Indian Community.

Firstly, the governor was persuaded by a Church-sponsored and funded group, using Church Money to pay for a professional lobbyist to engage in State and Federal Affairs, to appoint a person on the Nebraska Indian Commission who represents an Omaha Indian Center (I.C.I.A.) which already has their one allotted Commission Member, however, the other Indian Center called the Sioux Indian Center was ignored in their bid of submitting their three candidates' names to the governor, therefore there is one segment of the City of Omaha Indian population which is without representation on the Nebraska Indian Commission, and the other has two Indian Commission Members. The governor also by-passed and ignored the Nebraska Indian Commission, the State Agency dealing with State Indian Affairs, and included a personal attack upon the director of the Indian Commission in a most vicious and damaging manner, which will be a problem.

Secondly, it has become apparent that there is a consortium of Churches who are knowingly or unknowingly, supporting and funding a Church organization which appears to be self-benefiting, excluding most of the Indians who were supposed to benefit from this Church-sponsored development programs, and divisions are created.

Thirdly, it appears that the governor has a hangup about the director and Indians in general. He has ignored the State Agency which he signed into law - 81-1214 - (LB 904 Law, 1971) May 22, 1971 and has instead recognized a very questionable organization which is under evaluation by the Churches presently. This has placed the legitimate Indian Community in a difficult position.

Fourthly, the Director of the Nebraska Indian Commission has been involved in the following accomplishments:

1. Established a Statewide Indian Legal Service Program, utilizing LEAA funds.
2. Assisted in establishing an Indian Community Satellite College Program for inmates at the Penal Complex, also functioning Social, Recreational, and Religious programs.
3. Established a Comprehensive Medical Service Program for off-reservation Indians with the Creighton University Medical Center.

4. Provide Glasses for Indian students to keep them in school.

5. Establish an Indian-Ethnic Cultural Awareness Program in the Lincoln Public Schools.

Respectfully submitted,
(Signed) Robert B. Mackey, Executive Director
Nebraska Indian Commission

Copies:
State Senators (49)
Omaha Indian Center - Mrs. Eva Nichols
Sioux Indian Center - Alex Lunderman
Panhandle Centers (3)
Bob Yellow Bird
Marty Prichard - KLMS - Lincoln
Legislation File
Corres. File

MESSAGE FROM THE SECRETARY OF STATE

January 7, 1976

Honorable Jules Burbach
Speaker of the Unicameral Legislature
State Capitol
Lincoln, NE 68509

RE: 48th District Legislative Recount and Lawsuit

Dear Mr. Speaker:

In the course of the 48th Legislative District Election for 1974, and the attempted recount that followed, there was filed in the United States District Court for the District of Nebraska a lawsuit captioned Jesus Jose Porras, et al, Plaintiffs, vs William E. Nichol, et al, Defendants.

On December 12, 1975, the Honorable Warren K. Urbom, Chief Judge, issued an Order (CV75-L-45) which is hereby captioned as follows: "IT HEREBY IS ORDERED that the motions to dismiss, filings 9, 10, 11, 12, 13 and 24, are granted, the request for the convening of a three-judge court is denied, and the action is dismissed for want of jurisdiction."

For the purpose of notifying the Honorable Members of the Legislature and for the further purpose of completing the record of the 48th Legislative District Election of 1974, and for the further purpose of preserving the history of said election, I hereby tender for your consideration and entry into the Journal a complete copy of the title and text of Judge Urbom's Order (CV75-L-45).

Respectfully submitted,
(Signed) Allen J. Beermann
Secretary of State

(SEAL)
Attachment: Order CV75-1-45

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JESUS JOSE PORRAS, et al,)
)
Plaintiffs,)
)
vs.) ORDER
)
WILLIAM E. NICHOL, et al,)
)
Defendants.) CV75-L-45

Pursuant to the plaintiffs' responses to motions seeking dismissal of persons as parties, filings 19, 20, 21, 22 and 23, and the plaintiffs' motion for dismissal of defendant Ben Wilson, filing 24, and pursuant to the accompanying memorandum,

IT HEREBY IS ORDERED that the motions to dismiss, filings 9, 10, 11, 12, 13 and 24, are granted, the request for the convening of a three-judge court is denied, and the action is dismissed for want of jurisdiction.

Dated December 12, 1975.

BY THE COURT

(Signed) Warren K. Urbom
Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JESUS JOSE PORRAS, et al,)
)
Plaintiffs,)
)
vs) MEMORANDUM
)
WILLIAM E. NICHOL, et al,)
)
Defendants.) CV75-L-45

The plaintiffs, on behalf of themselves and others similarly situated, seek to have convened a three-judge court for the purpose of having declared unconstitutional two statutes and to enjoin enforcement of those statutes. Although several defendants originally were named, the plaintiffs now acknowledge that the only defendant who properly should remain is Alan J. Beerman, Secretary of State of the State of Nebraska.

The plaintiffs' request for a three-judge court is bottomed upon paragraph numbered 7 of the complaint, which states that the action:

> ". . . is brought by the plaintiffs . . . for the purpose of having declared unconstitutional Section 32-453 and Section 32-489 of the Revised, Reissued Statutes of Nebraska . . . because the deprivation of these votes descriminates against the less educated and illiterate voter, against those who are unable to spell . . . , and against those who . . . through mistake or inadvertance, failed to spell [Terry Carpenter's] name correctly or to write his full name or to designate the office he sought."

and upon the prayer which asks for an injunction requiring the counting of votes which have not been counted because of those statutes.

The Nebraska statutes which the complaint charges are unconstitutional read as follows:

> "32-453. Ballots; how marked by voter; name written in, permitted. The elector shall proceed alone into a compartment, if there be one then unoccupied, and prepare his ballot by marking it in the following nammer: (sic) He shall make a cross or other clear intelligible mark in the square to the left of every candidate for whom he desires to vote, and in case of a question to be submitted to the vote of the people, by making such a cross or mark in the square to the left of the answer he wishes to give. If the elector desires to vote for any person whose name is not printed on the ballot, except where not permitted by law, he shall write the name of the person in full in the blank space on the ballot under the proper office."
>
> "32-489. Ballots; incorrect initials or surname of candidates; count or rejection; when authorized. If at any stage of the canvass a ballot shall be found having correctly written or printed thereon the surname of any person for any office, who shall be a candidate for such office at such election, and there shall be no other candidate for the same office having the same surname, such ballot shall be counted for such candidate, although the initial letter or letters or first name or names written or printed before his surname may not be those properly belonging thereto; *Provided,* if there shall be two or more candidates at such election for the same office having the same surname, and such initial letter or letters or first name or names, written or printed on such ballot, do not properly belong to either of the candidates, such ballot shall be rejected and disposed of as directed in section 32-492. A candidate within the meaning of this section is any person intentionally voted for at any election."

Of Section 32-453 the only portion which appears by any construction of the complaint to be under attack is that which states: ". . . he shall write the name of the person in full . . . on the ballot under the proper office." What portion of Section 32-489 is claimed to be unconstitutional is not expressed. Conceivably, the attack could be on the clause which declares that any ballot will be counted if it has "correctly written or printed thereon the surname of any person for any office, who shall be a candidate for such office at such election, and there shall be no other candidate for the same office . . ." Perhaps the plaintiffs' position is that if incorrectly spelled names cannot be counted, neither can correctly spelled names.

Those two statutory provisions are to be measured against the Constitution of the United States. The complaint mentions generally the First, Fourteenth and Fifteenth Amendments. The First Amendment, insofar as it may declare anything pertinent to a voting right, provides:

> "Congress shall make no law . . . abridging the right of the people . . . to petition the Government for a redress of grievances."

The Fourteenth Amendment, through whose due process clause the First Amendment is a restriction on the states as well as on Congress, also states:

> ". . . nor shall any State . . . deny to any person within its jurisdiction the equal protection of the laws."

The Fifteenth Amendment states:

> "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Thus analyzed, the question is whether the statutes requiring a voter casting a write-in vote to write the name of the person in full under the proper office and permitting the counting of those ballots on which has been correctly written or printed the surname of a candidate on the ballot are an "abridging [of] the right of the people . . . to petition the Government for a redress of grievances" or a denial of "the equal protection of the laws" or a denial or abridgment of the "right . . . to vote . . . on account of race, color, or previous condition of servitude."

When a three-judge court is requested it is the obligation of the judge to whom the request is submitted to make a determination of whether the court has jurisdiction, including a decision as to whether there is a substantial constitutional question involved. *Ex Parte Poresky*, 290 U. S. 30 (1933). If no substantial constitutional question is raised, no three-judge court should be convened and the action should be dismissed. *Weir v United States,* 310 F. 2d 149 (C.A. 8th Cir. 1962); *Johns v Redeker,* 406 F.2d 878 (C.A. 8th Cir. 1969).

> "The existence of a substantial question of constitutionality must be determined by the allegations of the bill of complaint. . . . The question may be plainly unsubstantial, either because it is 'obviously without merit' or because 'its unsoundness so clearly results from previous decisions of this court as to foreclose the subject and leave no room for the inference that the question sought to be raised can be the subject of controversy' . . ."
> *Ex Parte Poresky,* 290 U.S. 30, 32 (1933)

An action should not be dismissed under this standard lightly. The Supreme Court of the United States in Goosby v Osser, 409 U.S. 512, 518 (1973), said:

> "Title 28 U.S.C. Section 2281 does not require the convening of a three-judge court when the consitutional attack upon the state statutes is insubstantial. 'Constitutional insubstantiality' for this purpose has been equated with such concepts as 'essentially fictitious, ' *Bailey v Patterson,* 369 U.S., at 33; 'wholly insubstantial,' *ibid.;* 'obviously frivolous,' *Hannis Distilling Co. v Baltimore,* 216 U.S. 285, 288 (1910); and 'obviously without merit,' *Ex Parte Poresky,* 290 U.S. 30, 32 (1933). The limiting words 'wholly' and 'obviously' have cogent legal significance. In the context of the effect of prior decisions upon the substantiality of constitutional claims, those words import that claims are constitutionally insubstantial only if the prior decisions inescapably render the claims frivolous; previous decisions that merely render claims of doubtful or questionable merit do not render them insubstantial for the purposes of 28 U.S.C. Section 2281. A claim is insubstantial only if ' " its unsoundness so clearly results from the previous decisions of this court as to foreclose the subject and leave no room for the inference that the questions sought to be raised can be the subject of controversy." ' *Ex Parte Poresky, supra,* at 32, quoting from *Hannis Distilling Co. v Baltimore, supra,* at 288; see also *Levering & Garrigues Co. v Morrin,* 289 U.S. 103, 105-106 (1933); *McGilvra v Ross,* 215 U.S. 70, 80 (1909) . . . ."

Under that stringent standard I am persuaded that the plaintiffs in this action do not raise a substantial constitutional issue.

I can think of no conceivable argument that statutes requiring a voter who is casting a write-in vote to write the name of the person in full under the proper office and permitting the counting of those ballots on which there has been correctly printed or written the surname of the candidate on the ballot abridge in any manner the right of the people "to petition the Government for a redress of grievances." This case involves voting for a candidate for the state legislature, not a petitioning for a redress of grievances. Neither can the statutes be said by any construction to be bottomed upon "race, color, or previous servitude." They therefore do not violate the First or Fifteenth Amendments to the Constitution of the United States.

As to the equal protection argument under the Fourteenth Amendment, no case which I have found deals directly with the kind of statutes the plaintiffs seek to have declared invalid.

When a state statute denies some citizens the right to vote altogether, the court must determine whether the provisions which cause the denial are necessary to promote a compelling state interest. *Dunn v Blumstein*, 405 U.S. 330 (1972). This is because the right to vote is a fundamental political right. *Reynolds v Sims*, 377 U.S. 533, 562 (1964). Accordingly, a state cannot deny the ballot to a bona fide resident merely because he is a member of the armed services, *Carrington v Rash*, 380 U.S. 89 (1965), or because he is financially unable to pay a poll tax, *Harper v Virginia Board of Elections*, 383 U.S. 663 (1966), or restrict school elections to persons owning or leasing property or having a child in the public schools, *Kramer v Union Free School District No. 15*, 395 U.S. 621 (1969), and a substantial constitutional issue is raised by asserting that a state statute forbids "persons confined in a penal institution from voting by absentee ballot," *Goosby v Osser*, 409 U.S. 512 (1973).

On the other hand, when there is no statutory classification drawn on the basis of suspect criteria, such as wealth or race, or voting qualifications, there is no denial of equal protection if the challenged statute bears some rational relationship to a legitimate state end. *McDonald v Board of Election Commissioners of Chicago*, 394 U.S. 802 (1969). In *McDonald*, unsentenced inmates awaiting trial claimed that Illinois' failure to provide absentee ballots was a denial of due process. The Supreme Court denied the claim, applying the test of rational relationship to a legitimate state end. In *Goosby v Osser*, supra, the Supreme Court distinguished *McDonald* on the basis that in *McDonald* there was no showing that Illinois would not make other provisions for voting by unsentenced inmates, so that there was no basis for saying that Illinois was denying those inmates the right to vote. The distinction appears clear: If the state statute creates a classification which denies some persons absolutely the right to vote, the stringent standard is applicable; if there is no classification which denies to some absolutely the right to vote, the more lenient test applies.

With respect to the Nebraska statutes under attack, the more lenient test must be used, because nothing in those statutes sets up any classification for voters and then denies that classification the right to vote. Although the plaintiffs' complaint asserts that the statutes discriminate against "the less educated, the illiterate, those who are unable to spell, and those who act or fail to act through mistake or inadvertance," the statues (sic) in fact set up no classification or classifications of such persons. Every voter who writes in the name of a candidate is in a single classification and each one is entitled to vote.

Applying the lesser standard, then, do these statutes bear some rational relationship to a legitimate state interest? There can be no doubt about that.

The State of Nebraska has a legitimate interest in a method of determining quickly and easily the identity of a person for whom a vote is being cast. The statutes being challenged certainly do not declare the only reasonable method of so determining, but they do prescribe one such reasonable method.

Lassiter v Northampton County Board of Elections, 360 U.S. 45 (1959), held that a state constitutional provision that limited the right to vote to persons who are "able to read and write any section of the Constitution in the English language" was not a denial of equal protection, saying:

> "Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the Fifteenth Amendment was designed to uproot. No such influence is charged here. On the other hand, a literacy test may be unconstitutional on its face. In *Davis v Schnell,* 81 F. Supp. 872, aff'd 336 U.S. 933, the test was the citizen's ability to 'understand and explain' an article of the Federal Constitution. The legislative setting of that provision and the great discretion it vested in the registrar made clear that a literacy requirement was merely a device to make racial discrimination easy. We cannot make the same inference here. The present requirement, applicable to members of all races, is that the prospective voter 'be able to read and write any section of the Constitution of North Carolina in the English language.' That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springes for the citizen. Certainly we cannot condemn it on its face as a device unrelated to the desire of North Carolina to raise the standards for people of all races who cast the ballot."
>
> 360 U.S. at 53-4.

The *Lassiter* case was considerably nearer to a denial of equal protection than the present one, because the North Carolina Constitution did prevent absolutely a class of voters from voting--those who could not read or write the state constitution in English. Nonetheless, the limitation was upheld. If those who cannot read or write a state constitution in English may be totally excluded, *a fortiori* "the less educated, the illiterate, those who are unable to spell" could be similarly excluded under Nebraska statutes, but they are not.

Under Nebraska statutes there is no bar to anyone. If a ballot carries a written name under the proper office, it will be counted, no matter how poorly educated, illiterate or incapable of spelling the voter may be. The voter may take measures to learn to write the full name of the candidate before entering the booth, irrespective of his being poorly educated or illiterate. Indeed, a voter may carry into the polling booth a sample of the name and office of the candidate, whether prepared by him or someone else, Section 32-455, R.R.S. Neb. 1943, and there is nothing to prevent the voter's copying or tracing the sample. As for the careless, not even the Constitution can save them.

No meritorious argument can be envisioned that invidious discrimination has been wrought against the plaintiffs. Whatever the reasons for the plaintiffs' failure to spell the candidate's name correctly or fully or to write it under the correct office, they are not the fault of the statutes.

Dated December 12, 1975.

BY THE COURT

(Signed) Warren K. Urbom
Chief Judge

Filed December 12, 1975.

DEPARTMENT OF PUBLIC INSTITUTIONS

October 30, 1975

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol - Room 2018
Lincoln, Nebraska

Dear Mr. Brown:

Enclosed is a copy of Volume One of the Department of Public Institutions Five-Year Plan covering Veterans Homes, Visually Impaired Services and Mental Health Services. It is being submitted in compliance with Legislative Bill 605 passed during the Eighty-fourth Legislature, First Session.

Due to the pending settlement of the Beatrice State Home Court case, development of the Mental Retardation Services chapter has been delayed. This chapter, along with a DPI Central Office Chapter which is not specifically mandated under L.B.605, will be published as Volume Two at a later date.

If additional copies are required, they are on file in the Director's office at DPI.

Sincerely,

(Signed) Jack M. Cleavenger, Director
Department of Public Institutions

JMC:ER:p
Enclosure (Filed in the Clerk's Office).

OFFICE OF STATE ATHLETIC COMMISSIONER

REPORT FOR FISCAL YEAR ENDING JUNE 30, 1975

Amount of revenue received $22,922.53
State Tax $16,879.79 License $1,640 Interest $4,402.74

BREAKDOWN ON STATE TAX

Omaha $15,646.87 Lincoln $273.34 Other Cities $959.58

BREAKDOWN ON LICENSE FEES

25 Club License	$ 925.00	15 Physicians	$ 150.00
48 Wrestling Contestants	240.00	19 Timekeepers	95.00
24 Referees	240.00	1 Matchmaker	10.00

Net Receipts of Clubs from sale of tickets $208,014.27

Omaha $185,084.15 Lincoln $5,467.07 Other Cities $17,463.05

Attendance for all bouts 74,798

BREAKDOWN AS TO TYPE OF BOUT

Wrestling 43,244 Amateur Boxing 31,554

BREAKDOWN AS TO CITIES

Omaha 61,797	Lincoln 3,326	Other Cities 9,675
Wrestling 42,559	Wrestling None	Wrestling 685
Am. Boxing 19,238	Am. Boxing 3,326	Am. Boxing 8,990

Number of bouts:	Wrestling 11	Pro Boxing None	Am. Boxing 35	Total 46
Omaha	8		9	
Lincoln	None		6	
Other Cities	3		20	

CLUBS LICENSED FROM JULY 1, 1974 to JUNE 30, 1975

Arlington	Washington Co. Agricultural Society
Bridgeport	Morrill Co. Sheriff's Possee
Crete	Saline Co. Agricultural Society
David City	Butler Co. Agricultural Society
Elgin	Pope John Lettermen Club
*Grand Island	V.F.W. Hall Co. Post No. 1347
*Hastings	V.F.W. Post No. 1346
*Lincoln	Associated Master Barbers
*Lincoln	Pershing Municipal Auditorium
Loup City	American Legion Post No. 48
*Norfolk	American Legion Post No. 16
North Bend	Jaycees
*Omaha	American Legion Post No. 1
* "	Assumption Parish Men's Club
* "	Central Labor Union AFL-CIO
* "	D.A.V. Chapter No. 2
* "	Great Plains Amateur Boxing Association
* "	V.F.W. Post No. 181
Ord	Optimist Club
Pierce	Jaycees
*Scottsbluff	B.P.O. Elks No. 1367
Sidney	Volunteer Fire Department
Verdigre	American Legion Post No. 259
Walthill	Jaycees
Wisner	V.F.W. Post No. 5767

*Denotes $50 License

DEPARTMENT INSPECTORS ARE AS FOLLOWS:

Robert Barr, II	Omaha
Gerald Berman	Omaha
Eugene Brown, Jr.	Omaha
William Eby	Valentine
Robert Huntley	Norfolk
Louis Mahacek	Fremont
Jerry McGinn	Lincoln
Victor Meyers	Omaha

Keith Richardson	Fairbury
Curt Smith	Hastings
Kenneth Syas	Omaha
Ernest Vera	Bayard
Duane Watford	No. Platte

MESSAGES FROM THE GOVERNOR

November 14, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment to the State Electrical Board, in accordance with LB 525 passed during the 1975 session, which requires Legislative confirmation:

Paul Mead, 3205 Avenue E, Kearney, to serve a term ending September 13, 1980

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:gd

November 14, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointments to the Nebraska Arts Council requiring legislative confirmation:

Reappointments term ending September 2, 1978

Mrs. John Harris, 906 - 1st E, McCook
Loren Olsson, Box 276, Scottsbluff

Wallace Richardson, 714 Stuart Bldg, Lincoln
Jack Thompson, 2900 Sheridan, Lincoln
Mrs. Marian Andersen, 6545 Prairie Ave., Omaha

Appointment term ending September 2, 1976
Dr. James Thayer, Sidney

I respectfully submit these appointments for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:gd

November 14, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment to the Board of Parole requiring Legislative confirmation:

Reappointment of Marshall M. Tate, 2566 Laurel Ave., Omaha to a 6-year term ending September 9, 1981.

I respectfully submit this appointment for your confirmation.

Sincerely,
(Signed) J. James Exon
Governor

JJE:sa

November 14, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment to the Agricultural Products Industrial Utilization Committee requiring Legislative confirmation:

Appointment of Paul Meierhenry, Rural Route 1, Norfolk to a 2-year term ending July 1, 1977.

I respectfully submit this appointment for your confirmation.

Sincerely,
(Signed) J. James Exon
Governor

JJE:gd

December 1, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation.

Martin Dineen, 4539 Grover Street, Omaha, Nebraska has been appointed as State Fire Marshal effective December 1, 1975, serving at the pleasure of the Governor.

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:gd

December 31, 1975

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President & Senators:

This is to inform your honorable body that I have made the following appointments to the Public Employees Retirement Board requiring legislative confirmation:

Reappointment of Lowell W. Fisk, 521 Glenhaven Drive, Lincoln, Nebraska, to serve a 3-year term expiring January 1, 1979

Reappointment of Richard Weber, 711 Webster, Hastings, Nebraska, to serve a 3-year term expiring January 1, 1979.

I respectfully submit these appointments for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:gd

UNANIMOUS CONSENT—Print in Journal

Mr. Goodrich asked unanimous consent to have the following resolutions from Deleware and Louisiana printed in full in the Journal. No objections. So ordered.

Sponsor Rep. Sincock
Committee

HOUSE OF REPRESENTATIVES
128TH GENERAL ASSEMBLY
FIRST SESSION – 1975

HOUSE CONCURRENT RESOLUTION NO. 36 Jun 11 1975

APPLYING TO THE CONGRESS FOR A CONVENTION TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

BE IT RESOLVED by the House of Representatives of the 128th General Assembly, the Senate concurring therein, that the General Assembly of the State of Delaware hereby, and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States:

"ARTICLE ______

> The costs of operating the Federal Government shall not exceed its income during any fiscal year, except in the event of declared war."

BE IT FURTHER RESOLVED that this application by the General Assembly of the State of Delaware constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V.

BE IT YET FURTHER RESOLVED that since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and, since the power to use such right in full also carries the power to use such right in part, the General Assembly of the State of Delaware interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions.

BE IT YET FURTHER RESOLVED that a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, to each member of the Congress from this state and to each House of each State Legislature in the United States.

Regular Session, 1975

SENATE CONCURRENT RESOLUTION NO. 109

BY MR. W. D. BROWN

A CONCURRENT RESOLUTION

To apply to the Congress of the United States for a convention to propose an amendment to the Constitution of the United States.

WHEREAS, an ever-increasing public debt is inimical to the general welfare of the people of the United States; and

WHEREAS, the national debt is already dangerously high and any further increases will be harmful and costly to the people of the United States; and

WHEREAS, a continuous program of deficit financing by the federal government is one of the greatest factors supporting the inflationary conditions presently existing in this country and therefore has been the chief factor in reducing the value of the American currency; and

WHEREAS, payment of the increased interest required by the ever-increasing debt would impose an undue hardship on those with fixed incomes and those in lower income brackets; and

WHEREAS, it is not in the best interest of either this or future generations to continue such a practice of deficit spending particularly since this would possibly deplete our supply of national resources for future generations; and

WHEREAS, by constantly increasing deficit financing the federal government has been allowed to allocate considerable funds to wasteful and in many instances nonbeneficial public programs; and

WHEREAS, by limiting the federal government to spend only the revenues that are estimated will be collected in a given fiscal year, except for certain specified emergencies, this could possibly result in greater selectivity of federal government programs for the benefit of the public and which would depend upon the willingness of the public to pay additional taxes to finance such programs; and

WHEREAS, there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the application of the legislatures of two-thirds of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

THEREFORE, BE IT RESOLVED by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring, that we do hereby make application, pursuant to Article V of the Constitution of the United States, to the Congress of the United States to call a convention of the several states for the proposing of the following amendment to the Constitution of the United States:

"AMENDMENT ____

SECTION 1. Except as provided in Section 3, the Congress shall make no appropriation for any fiscal year if the resulting total of appropriations for such fiscal year would exceed the total revenues of the United States for such fiscal year.

SECTION 2. There shall be no increase in the national debt and such debt, as it exists on the date on which this article is ratified, shall be repaid during the one-hundred-year period beginning with the first fiscal year which begins after the date on which this article is ratified. The rate of repayment shall be such that one-tenth of such debt shall be repaid during each ten-year interval of such one-hundred-year period.

SECTION 3. In time of war or national emergency, as declared by the Congress, the application of Section 1 or Section 2 of this article, or both such sections, may be suspended by a concurrent resolution which has passed the Senate and the House of Representatives by an affirmative vote of three-fourths of the authorized membership of each such house. Such suspension shall not be effective past the two-year term of the Congress which passes such resolution, and if war or an emergency continues to exist such suspension must be reenacted in the same manner as provided herein.

SECTION 4. This article shall apply only with respect to fiscal years which begin more than six months after the date on which this article is ratified."

BE IT FURTHER RESOLVED that this application by the Legislature of the state of Louisiana constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical with that contained in this Resolution before January 1, 1976, this application for a convention of the several states shall no longer be of any force or effect.

BE IT FURTHER RESOLVED that a duly attested copy of this Resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States; to each member of the Congress from this state; and to each house of each state legislature in the United States.

(Signed) LIEUTENANT GOVERNOR AND
PRESIDENT OF THE SENATE

(Signed) SPEAKER OF THE
HOUSE OF REPRESENTATIVES

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 614. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend section 55-125, Revised Statutes Supplement, 1974, relating to the military code; to correct an erroneous internal reference; and to repeal the original section.

LEGISLATIVE BILL 615. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend section 84-902, Revised Statutes Supplement, 1974, relating to rules of administrative agencies; to provide for transfer of files from the Clerk of the Legislature to the Revisor of Regulations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 616. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend section 45-101.04, Revised Statutes Supplement, 1975, relating to interest; to correct an erroneous internal reference; and to repeal the original section.

LEGISLATIVE BILL 617. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend section 60-320, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to correct erroneous internal references; and to repeal the original section.

LEGISLATIVE BILL 618. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend section 32-1309, Revised Statutes Supplement, 1975, relating to elections; to harmonize provisions with prior legislation; and to repeal the original section.

LEGISLATIVE BILL 619. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend sections 1-115, 1,116, 1-117, 1-118, 1-119, 1-120, 1-124, and 1-127, Reissue Revised Statutes of Nebraska, 1943, relating to accountants; to correct erroneous internal references; and to repeal the original sections.

LEGISLATIVE BILL 620. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend section 83-367, Reissue Revised Statutes of Nebraska, 1943, relating to care of the mentally ill; to harmonize provisions to conform with prior legislation; and to repeal the original section.

LEGISLATIVE BILL 621. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend sections 83-170 and 83-1,107.01, Revised Statutes Supplement, 1975, relating to the Department of Correctional Services; to harmonize provisions by correcting erroneous internal references; and to repeal the original sections.

LEGISLATIVE BILL 622. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend sections 76-217.02, 76-217.03, 76-217.04, and 76-217.05, Reissue Revised Statutes of Nebraska, 1943, and section 64-211, Revised Statutes Supplement, 1975, relating to acknowledgments; to provide that acknowledgments shall be taken only by notaries public; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 623. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Anderson, 37th District; Nichol, 48th District; Barnett, 26th District.

A BILL FOR AN ACT to adopt the Nebraska Criminal Code; to provide duties; to provide for transfers; to provide an operative date; and to repeal Chapter 28, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, except sections 28-1020 to 28-1031, 28-1108 to 28-1110, and 28-1401 to 28-1410, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

LEGISLATIVE BILL 624. By Clark, 47th District.

A BILL FOR AN ACT to amend section 53-113, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Liquor Control Commission; to change provisions relating to expenses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 625. By Clark, 47th District.

A BILL FOR AN ACT relating to motor vehicles; to provide greater availability for certain special permits.

LEGISLATIVE BILL 626. By Education Committee: F. Lewis, 45th District, Chairman; Kime, 43rd District; Rumery, 42nd District; Kremer, 34th District; Koch, 12th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 72-253, Reissue Revised Statutes of Nebraska, 1943, relating to school lands; to authorize the Board of Educational Lands and Funds to exchange parcels of land; to provide for the sale of certain lands as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 627. By Moylan, 6th District.

A BILL FOR AN ACT relating to hypodermic needles and syringes; to restrict the sale of hypodermic needles and syringes as prescribed; to provide duties for persons furnishing such needles or syringes; and to provide penalties.

LEGISLATIVE BILL 628. By Kennedy, 21st District; Luedtke, 28th District.

A BILL FOR AN ACT to repeal sections 39-6,138.01 and 39-6,138.02, Revised Statutes Supplement, 1974, relating to equipment on bicycles; and to declare an emergency.

LEGISLATIVE BILL 629. By Stull, 49th District.

A BILL FOR AN ACT to amend section 24-522, Revised Statutes Supplement, 1974, relating to Small Claims Court; to change provisions relating to jurisdiction as prescribed; and to repeal the original section.

LEGISLATIVE BILL 630. By Koch, 12th District.

A BILL FOR AN ACT relating to state institutions; to define terms; to establish the Parole Board Nomination commission; to prescribe duties; to provide for the establishment of a new Board of Parole; to set forth qualificatiions, terms of office, and compensation for members; and to repeal sections 83-189, 83-190, and 83-191, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 631. By Koch, 12th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1334, 79-1335, 79-1336, and 79-1343, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,166, Revised Statutes Supplement, 1974; to change amounts of financial support; to provide a spending limitation; and to repeal the original sections, and also section 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,164, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 632. By Koch, 12th District.

A BILL FOR AN ACT to amend section 42-121, Reissue Revised Statutes of Nebraska, 1943, relating to marriage; to provide that laboratory evidence of immunological response to rubella shall be required before a marriage license is issued; and to repeal the original section.

LEGISLATIVE BILL 633. By Koch, 12th District.

A BILL FOR AN ACT to amend section 28-1011.21, Revised Statutes Supplement, 1974, relating to crimes and punishments; to provide that the possession of a concealed weapon during the commission of a felony shall be a felony; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 634. By Rumery, 42nd District.

A BILL FOR AN ACT to amend sections 90-203, 90-204, and 90-206, Revised Statutes Supplement, 1975, relating to specific conveyances; to authorize a lease agreement between the Department of Administrative Services and the North Platte, Nebraska Hospital Corporation; to provide appropriations as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 635. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend sections 81-8,274 and 81-8,275, Revised Statutes Supplement, 1974, relating to the Nebraska American Revolution Bicentennial Commission; to provide for the production and sale of commemorative items; to repeal the original sections; and to declare an emerency.

LEGISLATIVE BILL 636. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT to amend section 43-512.01, Reissue Revised Statutes of Nebraska, 1943, relating to collection of child support; to prescribe duties of the county attorney; to provide for securing child support judgments; to expand child support services to children who are not recipients of aid to dependent children; to provide for cooperative agreements; to provide for parent location; to provide for assignments of child support; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 637. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT to adopt the Uniform Civil Liability for Support Act.

LEGISLATIVE BILL 638. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; DeCamp, 40th District; Anderson, 37th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to banking; to require the Department of Banking to adopt certain rules and regulations.

LEGISLATIVE BILL 639. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Nichol, 48th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 83-184, 83-196, and 83-1,114, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to revise the procedures for the release of inmates; to require written reports of the Board of Parole; and to repeal the original sections.

LEGISLATIVE BILL 640. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Schmit, 23rd District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT to amend section 24-721, Revised Statutes Supplement, 1974, relating to the Commission on Judicial Qualifications; to provide when testimony or the production of evidence may be compelled; to provide immunity; to provide contempt powers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 641. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 84-1206, 84-1209, and 84-1214, Reissue Revised Statutes of Nebraska, 1943, relating to the Records Management Act; to provide for standards regarding the disposition of records; to authorize the designation of a records officer in each state agency; to provide for the review of records retention and disposition schedules by the state archivist; to require disposition of records according to such schedules; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 642. By Mills, 44th District.

A BILL FOR AN ACT to amend sections 88-505 and 88-506, Reissue Revised Statutes of Nebraska, 1943, and section 88-503, Revised Statutes Supplement, 1975, relating to grain warehouses; to provide that certain warehouses may be licensed to do business under one license; to require that scale tickets be issued as prescribed; to require that receipts be issued; to provide that the Public Service Commission shall fix charges to be assessed and collected for warehouse receipt forms; and to repeal the original sections.

LEGISLATIVE BILL 643. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Goodrich, 20th District; Stull, 49th District; Luedkte, 28th District.

A BILL FOR AN ACT to amend section 84-1320, Revised Statutes Supplement, 1974, relating to the state employees retirement system; to provide an option for prior service annuities; and to repeal the original section.

LEGISLATIVE BILL 644. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Goodrich, 20th District; Stull, 49th District; Luedtke, 28th District.

A BILL FOR AN ACT to amend section 60-452.01, Revised Statutes Supplement, 1975, relating to the state patrolmen's retirement system; to provide for computation of early retirement annuities; and to repeal the original section.

LEGISLATIVE BILL 645. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Goodrich, 20th District; Stull, 49th District; Luedtke, 28th District.

A BILL FOR AN ACT to amend section 79-1528, Revised Statutes Supplement, 1975, relating to the school retirement system; to change the time of forfeiture; to change provisions for payment of benefits on death; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 646. By Duis, 39th District.

A BILL FOR AN ACT to amend section 77-907, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to exempt certain premiums from taxation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 647. By Duis, 39th District.

A BILL FOR AN ACT to amend section 81-2,134.03, Reissue Revised Statutes of Nebraska, 1943, relating to frozen food locker plants and processing plants; to exempt plants inspected by the federal government for proper sanitary condition from the licensing and inspection requirements of the State of Nebraska; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 648. By Duis, 39th District.

A BILL FOR AN ACT to amend section 79-490, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to raise the transportation allowance; and to repeal the original section.

LEGISLATIVE BILL 649. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 44-710.01 and 44-761, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide continued coverage for dependent children in group sickness and accident insurance as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 650. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 39-2112, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to provide that counties or municipalities may seek functional reclassification of highways or streets; to provide for jurisdictional control over reclassified highways or streets; and to repeal the original section.

LEGISLATIVE BILL 651. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1975, as amended by section 1, Legislative Bill 4, Eighty-fourth Legislature, First Special Session, 1975, relating to taxation; to change the standard for setting the tax rates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 652. By Moylan, 6th District.

A BILL FOR AN ACT to amend sections 83-161 and 83-162, Reissue Revised Statutes of Nebraska, 1943, relating to state agencies; to change the membership on the Nebraska Commission on Alcoholism; to provide that members shall be reimbursed for expenses as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 653. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 37-207, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to provide when licenses to hunt, fish, or trap in this state may be revoked or denied; to enumerate offenses for which licenses may be revoked or denied; to provide penalties; to grant certain powers and responsibilities to the Game and Parks Commission; to provide for hearing and appeal; and to repeal the original section.

LEGISLATIVE BILL 654. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Anderson, 37th District; Nichol, 48th District.

A BILL FOR AN ACT to adopt the Uniform Act on Blood Tests to Determine Paternity.

LEGISLATIVE BILL 655. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 24-620, Reissue Revised Statutes of Nebraska, 1943, relating to employees' trust plans; to require that the trustee of such plans be licensed to do business in this state; and to repeal the original section.

LEGISLATIVE BILL 656. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 16-621, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to provide that landowners may petition to have certain material used in street paving; and to repeal the original section.

LEGISLATIVE BILL 657. By Nichol, 48th District.

A BILL FOR AN ACT to repeal section 16-705, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class.

LEGISLATIVE BILL 658. By Nichol, 48th District.

A BILL FOR AN ACT relating to alcoholic liquors; to provide for a maximum number of retail alcoholic liquor licenses for each county as prescribed; to declare intent; and to prescribe duties of the Nebraska Liquor Control Commission.

LEGISLATIVE BILL 659. By Marvel, 33rd District.

A BILL FOR AN ACT relating to state administrative departments; to create the Nebraska Academy of Sciences; to provide membership; to provide duties; and to create a trust fund.

LEGISLATIVE BILL 660. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 21-1773, Reissue Revised Statutes of Nebraska, 1943, relating to credit unions; to provide that credit unions may utilize electronic transmission terminals as prescribed; and to repeal the original section.

LEGISLATIVE BILL 661. By Koch, 12th District.

A BILL FOR AN ACT relating to state institutions; to transfer the Library for the Blind and Physically Handicapped to the Department of Public Institutions as prescribed; and to declare an emergency.

LEGISLATIVE BILL 662. By Swigart, 8th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to provide that members of the Legislature be reimbursed for actual traveling expenses in attending regular and special sessions of the Legislature; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 663. By Swigart, 8th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 2, of the Constitution of Nebraska, relating to revenue; to provide that the Legislature may exempt property owned and used exclusively for homes for the aged; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 664. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 14-1803, 14-1812, 14-1813, and 14-1814, Reissue Revised Statutes of Nebraska, 1943, relating to metropolitan transit authorities; to increase the size of the board; to provide for appointments, qualifications, and terms of office; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 665. By F. Lewis, 45th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to increase the membership of the board of a metropolitan utilities district; to provide for the appointment, qualifications, and term of office; to provide for election of successors; to provide construction; to amend section 14-1003, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 666. By Education Committee: F. Lewis, 45th District, Chairman; Kremer, 34th District; Kime, 43rd District; Rumery, 42nd District; Burrows, 30th District; Koch, 12th District; Fitzgerald, 14th District; George, 16th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VII, section 11, of the Constitution of Nebraska, relating to education; to change provisions relating to the appropriation of public funds to schools or institutions of learning as prescribed; to change provisions relating to financial aid to students as prescribed; to provide for state matching of federal funds; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 667. By Goodrich, 20th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XIII, section 2, of the Constitution of Nebraska, relating to state, county and municpal indebtedness; to provide that counties and municipalities may sell or finance real and personal property as prescribed; to provide that governmental subdivisions may issue revenue bonds to acquire and develop property for commercial or business enterprises; to provide exceptions; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 668. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 77-2004, Revised Statutes Supplement, 1975, relating to taxation; to increase the minimum value of property on which inheritance tax shall be assessed; and to repeal the original section.

SELECT FILE

LEGISLATIVE BILL 491. Mr. Mills moved to advance LB 491 to E & R for Engrossment.

Mr. Mills moved for a Call of the House. The motion prevailed with 21 ayes, 10 nays and 18 not voting.

The Call showed 47 members present.

Mr. Mills requested a roll call vote.

Voting in the affirmative, 23:

Anderson
Barnett
Bereuter
Burrows
DeCamp
Fitzgerald
Fowler
Goodrich
Hasebroock
Johnson
Keyes
Koch
F. Lewis
Luedtke
Marsh
Mills
Murphy
Rasmussen
Savage
Schmit
Simpson
Syas
Warner

Voting in the negative, 23:

Burbach
Carsten
Clark
Cope
Dickinson
Duis
Dworak
Kelly
Kennedy
Kime
Kremer
R. Lewis
Mahoney
Maresh
Marvel
Moylan
Nichol
Rumery
Skarda
Stoney
Stull
Swigart
Wiltse

Not voting, 3:

Cavanaugh
Chambers
George

The motion to advance to E & R for Engrossment failed with 23 ayes, 23 nays and 3 not voting.

Mr. Mills moved the Call be raised. The motion prevailed.

LEGISLATIVE BILL 7. Mr. Fowler moved to bracket LB 7. The motion prevailed.

LEGISLATIVE BILL 574. Mr. Stoney moved to bracket LB 574. The motion prevailed.

LEGISLATIVE BILL 329. Mr. Dickinson offered the following amendments:

AMENDMENTS TO LB 329

1. Insert a new section to read:

"Sec. 2. That section 60-407, Revised Statutes Supplement, 1974, be amended to read as follows:

60-407. (1) No license or permit to operate a motor vehicle shall be granted to any applicant until such applicant satisfies the examiner that he possesses, with or without the aid of glasses, sufficient powers of eyesight to enable him to operate a motor vehicle on the highways of this state with a reasonable degree of safety. If, from the examination given any applicant, it appears that the applicant's powers of eyesight are such that he cannot operate a motor vehicle on the highways of this state with a reasonable degree of safety, the examiner shall require the applicant to present a doctor's or optometrist's certificate to the effect that the applicant has sufficient powers of eyesight for such purpose before issuing a license to such applicant. If it is indicated by such examination by the examiner or by the doctor's or optometrist's certificate that the applicant must wear glasses to meet the minimum visual standards set by the department, then the applicant shall have the use of any license issued to him restricted to wearing glasses while operating a motor vehicle. If the application to operate a motor vehicle required by this act discloses that the applicant for such license suffers from any other physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require such applicant to show cause why such license should be granted, and shall require such applicant, through such personal examination and demonstration as may be prescribed by the director, to show the necessary ability to safely operate a motor vehicle on the public highways. If the examiner is satisfied, after such demonstration, that such applicant has the ability to safely operate such motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate. The director may, at the request of a law enforcement officer, or when he has reason to believe that such person may be physically or mentally incompetent to operate a motor vehicle or whose driving record appears to the department to justify such examination, give notice to the holder of an operator's license to appear before an examiner for examination to operate a motor vehicle safely. A refusal to appear before an examiner for such examination shall be unlawful. If such license holder cannot qualify at such examination, his operator's license shall be immediately surrendered to such examiner and forwarded to the director who shall cancel his license and privilege to operate a motor vehicle; Provided, that a refusal to appear before an examiner for examination after notice to do so or to surrender an operator's license on demand, shall be unlawful and any person failing to surrender his operator's license as required by the provisions of this section shall, upon conviction thereof, be fined in a sum not to exceed five hundred dollars, or imprisoned in the county jail not to exceed thirty days, or be both so fined and imprisoned. No operator's license referred to in this subsection shall, under any circumstances, be issued to any person who has not attained the age of sixteen years but, upon application therefor and proof of age in the manner provided in subsection (3) of this section, any such person may take the examination required by this subsection at any time within sixty days prior to his sixteenth birthday.

(2) A person who has not attained the age set forth in subsection (1) of this section but is over the age of fourteen years, except within metropolitan, primary, and first-class cities, may be issued, by the county treasurer, a limited permit to drive a motor vehicle or motorcycle to and from the school building where he attends school, by the nearest highway or street from his place of residence, if such child lives a distance of one and one half miles or more from such school. Such limited permit shall be used for the sole purpose of transporting such person to attend school, except that the holder of such a permit may drive under the personal supervision of his parents or guardian; Provided, such a permit shall not be issued until such person has appeared before an examiner to demonstrate that he is capable of successfully operating a motor vehicle or motorcycle and has in his possession an examiner's certificate authorizing the county treasurer to issue a school permit. Any such person desiring such limited permit may first obtain a learner's permit from the county treasurer, which permit shall be valid for a period of two months. While holding such a permit, the person may operate a motor vehicle or motorcycle on the

highways of this state if he has seated next to him or, in the case of a motorcycle, immediately behind him and supervising his operation of the vehicle a person who is a licensed operator and who is also either a parent or guardian of the child or a person over the age of nineteen years who is authorized in writing by the child's parent or guardian to supervise the actions of the child in operating the vehicle. Prior to issuance of such learner's permit it shall be required that such person demonstrate that he has sufficient powers of eyesight to safely operate a motor vehicle or motorcycle.

(3) Each individual, under the age of nineteen years, who is making an application for his first operator's license or a limited or learner's permit, must furnish proof of age, either by birth certificate or written information signed by one of his parents or his guardian, to show that such applicant has attained the age, respectively, as required by subsection (1) or (2) of this section. All licenses and limited permits issued, as provided by subsection (2) of this section, shall be subject to revocation under the terms of section 60-427, and any person who shall violate the terms of such license or limited permit shall be deemed guilty of a misdemeanor.

(4) Any person who shall have attained the age of fifteen years or more may obtain a learner's permit from the county treasurer which shall be valid for a period of twelve months and he may operate a motor vehicle on the highways of this state if he is accompanied at all times by a licensed operator who is at least nineteen years of age and who is actually occupying the seat beside the driver or, in the case of a motorcycle, immediately behind the driver. Any person who shall have attained the age of fourteen years may operate a motor vehicle over the highways of the state if he is accompanied at all times by a licensed operator who shall be a high school driver training instructor certified by the Commissioner of Education. Prior to the issuance of a learner's permit, it shall be required that such person demonstrate that he has sufficient powers of eyesight and knowledge of the rules of the road to safely operate a motor vehicle or motorcycle.

(5) Any person who is thirteen years of age or older and resides upon a farm in this state or who is fourteen years of age or older and who is employed for compensation upon a farm in this state may obtain a

special permit authorizing the operation of farm tractors and other motorized implements of farm husbandry upon the public highways and roads of this state, if the applicant for such a restricted permit furnishes to a license examiner satisfactory proof of age and satisfactorily demonstrates to the examiner that he has knowledge of the operation of such equipment and of the rules of the road and laws respecting the operation of motor vehicles upon the highways and public roads of this state. Any person under sixteen years of age but not less than thirteen years of age may obtain a temporary permit to operate such equipment for a six-month period after presentation to the Department of Motor Vehicles of a request for such temporary permit signed by such person's parent or guardian and payment of one dollar. After the expiration of such six-month period it shall be unlawful for any person under sixteen years of age to operate such equipment upon the public highways and roads of this state unless he has been issued a special permit under the provisions of this subsection. The fee for such special permit shall be two dollars, and such special permit shall be subject to revocation for cause.

(6) The county treasurer shall collect a fee of one dollar from each successful applicant for a school or learner's permit.".

2. Renumber original section 2 as section 3.

3. On page 3, line 5, strike "is" and insert "and section 60-407, Revised Statutes Supplement, 1974, are".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Standing Committee amendments found in the Journal on page 1002 for the Fifty-first Day, First Session were discussed.

Mr. Kremer moved to have LB 329 laid over. The motion prevailed.

ANNOUNCEMENT

The President announced the Unicameral Ladies Club will meet at 2:00 p.m. in the East Chamber.

SELECT FILE

LEGISLATIVE BILL 386. The Anderson pending amendments found in the Journal on page 1548 for the Seventy-third Day, First Session were adopted with 26 ayes, 2 nays and 21 not voting.

Standing Committee amendments found in the Journal on page 1080 for the Fifty-third Day, First Session were rejected with 25 ayes, 0 nays and 24 not voting.

Mr. Duis moved to suspend the rules to have a roll call vote instead of a machine vote when required, while the voting machine is being repaired. The motion prevailed with 35 ayes, 4 nays and 10 not voting.

LB 386 was advanced to E & R for Engrossment.

LEGISLATIVE BILL 175. Mr. Fowler asked unanimous consent to bracket LB 175 on Select File until Monday, January 12. No objections. So ordered.

LEGISLATIVE BILL 536. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 394. Laid over.

LEGISLATIVE BILL 409. Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 669. By Kelly, 35th District.

A BILL FOR AN ACT to amend sections 43-228, 43-229, and 43-233.01, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile courts; to provide that juvenile courts shall be established in counties having a population of forty thousand or more inhabitants; and to repeal the original sections.

LEGISLATIVE BILL 670. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 72-728, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Hall of Fame Commission; to permit nomination of four individuals to the commission; and to repeal the original section.

LEGISLATIVE BILL 671. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 3-611, Reissue Revised Statutes of Nebraska, 1943, relating to county airport authorities; to specify time periods for certain leases; to transfer control of certain leases; and to repeal the original section.

LEGISLATIVE BILL 672. By Moylan, 6th District.

A BILL FOR AN ACT relating to the register of deeds; to require that a certificate of taxes paid be presented before an instrument may be filed or recorded.

LEGISLATIVE BILL 673. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 79-1279, Reissue Revised Statutes of Nebraska, 1943, relating to Reserve Teachers; to provide for an increase in the annual salary for Reserve Teachers; and to repeal the original section.

LEGISLATIVE BILL 674. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; R. Lewis, 38th District; Fowler, 27th District; Moylan, 6th District; Maresh, 32nd District; Kelly, 35th District.

A BILL FOR AN ACT to amend sections 83-210.01, 83-210.02, and 83-211, Reissue Revised Statutes of Nebraska, 1943, and sections 83-210.03, 83-210.04, and 83-210.05, Revised Statutes Supplement, 1974, relating to vocational rehabilitation for the blind; to create a cash fund; to prescribe its name and purpose; to provide for deposits; to eliminate obsolete provisions; and to repeal the original sections, and also section 83-210, Reissue Revised Statutes of Nebraska, 1943.

RESOLUTIONS

LEGISLATIVE RESOLUTION 103.

Introduced by Barnett, 26th District; Warner, 25th District; Simpson, 46th District; Marsh, 29th District; Fowler, 27th District; Luedtke, 28th District.

WHEREAS, the Nebraska State Capitol is a prominent and beautiful landmark which serves as a symbol of the State of Nebraska and as a source of pride and unity for the entire state; and

WHEREAS, the State Capitol and its surrounding area is of major concern to the city of Lincoln in its urban development and planning efforts; and

WHEREAS, planning for the development and use of the Capitol and its environs in the past has often been ineffective, leading to the deterioration of the functional, historic and aesthetic value of the Capitol and its surrounding area; and

WHEREAS, the Legislature of the State of Nebraska and the city of Lincoln are desirous of better providing for the planning and control of the development and use of the Capitol and its environs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the creation of the Capitol Environs Planning Committee, as established by the Resolution of the City Council of the city of Lincoln, Nebraska, on January 19, 1976, for the purpose of advising the State of Nebraska, the city Lincoln, the Lincoln-Lancaster County Planning Commission, or any other appropriate public agency, public body, group, individual or association, as to the planning and control of the development of the Capitol and its surrounding environs, including landscaping, land use, preservation of beauty, preservation of historical areas and structures, and proposed construction, is hereby approved.

2. That the committee shall determine the Capitol environs area as may be proper for its various purposes after conducting such investigation and study as it deems necessary and after holding at least one public hearing to discuss the issue.

3. That there shall be thirteen members of the committee, who shall serve without pay or other remuneration of any kind for their service on the committee, appointed as follows:

a. The Governor of Nebraska, to serve as chairman and ex officio member;

b. The Mayor of the city of Lincoln, to serve as co-chairman and ex officio member;

c. The State of Nebraska Building Administrator;

d. A representative member from the State Building Advisory Commission, to be appointed by the commission;

e. The Lincoln-Lancaster County Planning Director;

f. A representative member from the Lincoln-Lancaster County Planning Commission, to be appointed by the commission;

g. A representative member from the Nebraska Legislature, as appointed by the Legislature;

h. A representative member from the Lincoln City Council, as appointed by the City Council;

i. Two professional designers, one to be appointed by the Mayor of Lincoln and one to be appointed by the Governor;

j. A representative faculty member from the University of Nebraska, College of Architecture, to be appointed by the Dean of the College of Architecture;

k. An interested citizen residing in the city of Lincoln, to be appointed by the Mayor; and

l. An interested citizen of Nebraska to be appointed by the Governor.

Laid over.

LEGISLATIVE RESOLUTION 104.

Introduced by Anderson, 37th District; Kennedy, 21st District; Koch, 12th District; Stoney, 4th District; Murphy, 17th District; Warner, 25th District; George, 16th District; Dickinson, 31st District; Fowler, 27th District; Barnett, 26th District; Burrows, 30th District; Rumery, 42nd District; DeCamp, 40th District; Johnson, 15th District; Hasebroock, 18th District; Kremer, 34th District; Cope, 36th District; Fitzgerald, 14th District; Dworak, 22nd District; Rasmussen, 41st District; Clark, 47th District; R. Lewis, 38th District; Skarda, 7th District; Kime, 43rd District; Marsh, 29th District; Bereuter, 24th District; Nichol, 48th District; Syas, 13th District; Swigart, 8th District; Burbach, 19th District; Stull, 49th District; Luedtke, 28th District; Wiltse, 1st District; Simpson, 46th District; Moylan, 6th District; Keyes, 3rd District; Goodrich, 20th District; Kelly, 35th District; Marvel, 33rd District; Duis, 39th District; F. Lewis, 45th District; Maresh, 32nd District; Savage, 10th District; Mills, 44th District; Carsten, 2nd District; Schmit, 23rd District; Mahoney, 5th District.

WHEREAS, an energy crisis exists in the United States, and alternate sources of energy must be found; and

WHEREAS, recognizing the seriousness of the energy problem, the federal government did by law establish the Energy Research and Development Administration (ERDA) and mandated the establishment of a Solar Energy Research Institute (SERI); and

WHEREAS, ERDA has invited proposals for the site of SERI; and

WHEREAS, the State of Nebraska and the University of Nebraska have joined together to make application to ERDA for siting this most important research institute in our state. The application has the cooperation and endorsement of the economic, industrial, educational, financial and agricultural interests of the entire state. That Nebraska is unified in this effort.

NOW, THEREFORE, BE IT RESOLVED BY THE NEBRASKA LEGISLATURE:

1. That the Legislature pledges its full support and encouragement in the effort to secure the Solar Energy Research Institute (SERI) for Nebraska.

2. That Nebraska being a national leader in biomass research and in the conversion of grains to energy and the possessor of a substantial scientific reputation in the field of solar energy and considering that Nebraska's number of sunshine days and velocity of wind make this state the logical site for SERI.

3. That in consideration of these and the many varied assets and attributes of this state contained in the application, the Legislature of the State of Nebraska urges the Energy Research and Development Administration (ERDA) to site the Solar Energy Research Institute (SERI) in Nebraska.

4. That a copy of this resolution be transmitted to the appropriate authority in the Federal Energy Administration in Washington, D.C.

Laid over.

LEGISLATIVE RESOLUTION 105.

Introduced by Marsh, 29th District; Simpson, 46th District; Luedtke, 28th District; Barnett, 26th District; Fowler, 27th District.

WHEREAS, Hugo F. Srb served as a member of the Nebraska State Legislature from 1931 through 1933; and

WHEREAS, Mr. Srb served as Clerk of the Nebraska State Legislature from 1937 to 1969; and

WHEREAS, Mr. Srb's devotion to his duties, and his boundless knowledge of our Legislature worked to assign him the well deserved title of "Mr. Unicameral"; and

WHEREAS, Mr. Srb was an active and valued participant in the affairs of his community; and

WHEREAS, On December 13, 1975 Hugo F. Srb passed from us into a more nobel estate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE, SECOND SESSION:

1. That the Legislature extend its sympathy to the survivors of Hugo F. Srb.
2. That the Legislature wishes to recognize the service rendered to the Legislature and all of Nebraska by Mr. Srb in his long and valued tenure in public life.
3. That a copy of this resolution be presented to the family of Hugo F. Srb in tribute to his untiring intellect and interest in Nebraska.
4. That the Legislature stand for a moment of silent tribute to his memory.

Laid over.

LEGISLATIVE RESOLUTION 106.

Introduced by Murphy, 17th District; Warner, 25th District, Marsh, 29th District; Marvel, 33rd District; Goodrich, 20th District; Dworak, 22nd District; Rasmussen, 41st District; Anderson, 37th District; Wiltse, 1st District; Fitzgerald, 14th District; Carsten, 2nd District; Burbach, 19th District; Stull, 49th District; Hasebroock, 18th District; Kremer, 34th District; Cope, 36th District; DeCamp, 40th District; Maresh, 32nd District; Johnson, 15th District; Nichol, 48th District; Moylan, 6th District; Schmit, 23rd District; Rumery, 42nd District; Barnett, 26th

District, Kime, 43rd District; Kennedy, 21st District; Koch, 12th District; Dickinson, 31st District; Stoney, 4th District; R. Lewis, 38th District; Burrows, 30th District; Mills, 44th District; Skarda, 7th District; George, 16th District; Clark, 47th District; Savage, 10th District; Kelly, 35th District.

WHEREAS, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenue, so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenue; and

WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, under article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action is vital.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the State of Nebraska requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

2. That, alternatively, this Legislature makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the

Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

3. That this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the federal Constitution.

4. That the Clerk of the Legislature transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska.

Laid over.

ANNOUNCEMENTS

Mr. Mahoney announced the Executive Board will meet at noon each day for the first 10 Legislative Days for the referral of bills.

President Whelan announced the Mini-Singers Chorus of the Omaha Public Schools will present a Bicentennial Program at noon today in the rotunda of the Capitol.

Mr. Marvel announced a meeting of the Appropriations Committee at 1:30 p.m. today.

UNANIMOUS CONSENT—Unbracket LB 299

Mr. Kennedy asked unanimous consent to unbracket LB 299 on General File. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 675. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 77-1804, Revised Statutes Supplement, 1974, relating to the collection of delinquent real estate taxes by sale of real estate; to raise publication charges; and to repeal the original section.

VISITORS

President Whelan introduced Governor Ali Bashir from Amman, Jordan; his interpreter from the State Department, Mr. Fikry Gergis and State Treasurer Frank Marsh.

RECESS

At 11:50 a.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:04 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Chambers who was excused until he arrives and Mr. Kime who was absent until 2:40 p.m., and Mr. Cavanaugh who was absent.

GENERAL FILE

LEGISLATIVE BILL 120. Title read.

Mr. Koch asked unanimous consent to have LB 120 bracketed until January 15, 1976. No objections. So ordered.

LEGISLATIVE BILL 350. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 8 nays and 10 not voting.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
614	General File	619	General File
615	General File	620	General File
616	General File	621	General File
617	General File	622	General File
618	General File	623	Judiciary

(Signed) Eugene T. Mahoney, Chairman

GENERAL FILE

LEGISLATIVE BILL 372. Mr. Barnett asked unanimous consent to bracket LB 372. No objections. So ordered.

LEGISLATIVE BILL 455. Mr. Anderson asked unanimous consent to bracket LB 455. No objections. So ordered.

LEGISLATIVE BILL 272. Mr. Fowler asked unanimous consent to bracket LB 272. No objections. So ordered.

LEGISLATIVE BILL 343. Title read. Considered.

Standing Committee amendment found in the Journal on page 912 for the Forty-sixth Day, First Session was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Mills offered the following amendment:
To Create An Emergency.

The amendment lost with 6 ayes, 20 nays and 23 not voting.

Mr. Rasmussen moved to indefinitely postpone.

SPEAKER BURBACH PRESIDING

The Rasmussen motion lost with 19 ayes, 21 nays and 9 not voting.

Failed to advance to E & R for Review with 22 ayes, 18 nays and 9 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Mahoney asked unanimous consent to print the following letter in the Journal. No objections. So ordered.

January 6, 1976

Honorable Eugene Mahoney
Chairman, Executive Board
Nebraska State Legislature
State Capitol Building
Lincoln, Nebraska

Dear Senator Mahoney:

Our Department has reviewed the report of the Executive Board's Sub-Committee on the I-80 Bicentennial Sculpture Project, chaired by Senator Kelly.

The Chairman's conclusion is that the project should continue. Since that is still the feeling of the Legislature, and since time is of some essence, then we should proceed in carrying out what evidently has always been Legislative intent.

I would hope that the Legislature would adopt a resolution, pro or con, as to this project, and the Department of Roads would comply with Legislative direction.

If we have not received such a resolution by February 1, 1976, we will assume the Legislature has again granted approval as per Chairman Kelly's recommendation on December 24, 1975, and in accordance with their approval of the project without dissent by their $150,000 appropriation of funds for same in the last session.

Will you kindly see that this request is presented to the Legislature and printed in the Legislative journal so that the Legislature may act further if they desire. Otherwise, the Department of Roads will have no alternative but to finalize contracts that have been delayed as a courtesy to the Legislature because of its further hearings now concluded.

Sincerely,
DEPARTMENT OF ROADS
(Signed) Thomas D. Doyle
Director-State Engineer

TDD/jp
cc: Senator Ralph Kelly
Governor J. James Exon

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
624	Misc. Subjects	644	Neb. Ret. Systems
625	Public Works	645	Neb. Ret. Systems
626	Education	646	Revenue
627	Pub. Hlth. & Wel.	647	Agric. & Env.
628	Public Works	648	Education
629	Judiciary	649	Bkg. & Ins. Comm.
630	Gov. Mil. & Vets Afrs	650	Public Works
631	Education	651	Revenue
632	Pub. Hlth. & Wel.	652	Gov. Mil. & Vets Afrs
633	Judiciary	653	Cons. Rev. & Rec.
634	Misc. Subjects	654	Judiciary
635	Gov. Mil. & Vets Afrs	655	Judiciary
636	Judiciary	656	Urban Affairs
637	Judiciary	657	Urban Affairs
638	Bkg. & Ins. Comm.	658	Misc. Subjects
639	Judiciary	659	Gov. Mil. & Vets Afrs
640	Judiciary	660	Bkg. & Ins. Comm.
641	Gov. Mil. & Vets Afrs	661	Gov. Mil. & Vets Afrs
642	Agric. & Env.	662	Cons. Rev. & Rec.
643	Neb. Ret. Systems	663	Cons. Rev. & Rec.

LB	Committee	LB	Committee
664	Misc. Subjects	670	Misc. Subjects
665	Misc. Subjects	671	Gov. Mil. & Vets Afrs
666	Education	672	Gov. Mil. & Vets Afrs
667	Cons. Rev. & Rec.	673	Education
668	Revenue	674	Pub. Hlth. & Wel.
669	Judiciary	675	Revenue

(Signed) Eugene T. Mahoney, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 676. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Goodrich, 20th District; Stull, 49th District; Bereuter, 24th District; Johnson, 15th District; Marsh, 29th District; Simpson, 46th District; Savage, 10th District.

A BILL FOR AN ACT to amend section 10, Legislative Bill 604, Eighty-fourth Legislature, First Session, 1975, with items reduced by line-item veto, relating to appropriations; to increase an appropriation to the Board of Educational Lands and Funds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 677. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 48-122.03, Revised Statutes Supplement, 1974, and sections 48-121 and 48-122, Revised Statutes Supplement, 1975, relating to workmen's compensation; to increase weekly benefits; to provide for computations and recomputations; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 678. By Nichol, 48th District.

A BILL FOR AN ACT to repeal section 39-803.01, Reissue Revised Statutes of Nebraska, 1943, relating to bridges.

LEGISLATIVE BILL 679. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 43-206.04, Reissue Revised Statutes of Nebraska, 1943, and sections 28-1502 and 28-1506, Revised Statutes Supplement, 1975, relating to abuse and neglect of minor children and incompetent or disabled persons; to provide for the reporting of suspected cases of abuse and neglect; to recognize that certain religious practices do not alone constitute abuse or neglect; to require the appointment of a guardian ad litem as prescribed; to provide for the confidentiality of records and reports; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 680. By Clark, 47th District.

A BILL FOR AN ACT relating to the practice of medicine; to provide damages for malpractice by a physician, nurse, or hospital as prescribed.

UNANIMOUS CONSENT–Print in Journal

Mr. Kelly asked unanimous consent to print the following letter in the Journal. No objections. So ordered.

January 7, 1976

Senator Eugene Mahoney, Chairman
Executive Board of the Legislative Council
State Legislature
Lincoln, Nebraska

Dear Gene:

I received a copy of Tom Doyle's letter dated January 6, 1976.

I specifically refer to paragraph 4 of the letter. My letter of December 24, 1975 states as follows: "But now, the report is completed and in the hands of the Executive Board. At this time I offer to you, the Executive Board and the Legislature my personal observations."

My personal observations should not in any way be taken as legislative or Executive Board recommendations. The sub-committee regarding the sculptures project was instructed to investigate this project. That was the scope of the activities of the sub-committee. It has not drawn any conclusions nor made any recommendations to the Executive Board.

Best personal regards.

Sincerely,

(Signed) Ralph D. Kelly
State Senator
District 35

cc Members of Executive Board
Thomas D. Doyle
Governor J. J. Exon

GENERAL FILE

LEGISLATIVE BILL 265. Laid over.

LEGISLATIVE BILL 219. Laid over.
LEGISLATIVE BILL 546. Laid over.

LEGISLATIVE BILL 275. Title read. Considered.

Standing Committee amendments found in the Journal on page 939 for the Forty-seventh Day, First Session were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 275A. Title read. Considered.

Mr. Luedtke asked unanimous consent to bracket LB 275A. No objections. So ordered.

LEGISLATIVE BILL 176. Mr. Fowler asked unanimous consent to bracket until February 9, 1976. No objections. So ordered.

LEGISLATIVE BILL 545. Title read. Considered.

PRESIDENT WHELAN PRESIDING

Mr. Kennedy asked unanimous consent to bracket LB 545. No objections. So ordered.

UNANIMOUS CONSENT—Members Excused

Mrs. Marsh asked unanimous consent to be excused at 3:40 p.m. No objections. So ordered.

Mr. Simpson asked unanimous consent to be excused on Friday, January 9, 1976. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Education

LB 631 Tuesday, January 20, 1976 2:00 p.m.

(Signed) Frank Lewis, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 681. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 81-1502, 81-1504, 81-1505, and 81-1506, Revised Statutes Supplement, 1974, relating to the Environmental Protection Act; to define terms; to provide duties of the Department of Environmental Control and the Environmental Control Council; to provide additional unlawful acts; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 454. Laid over.

LEGISLATIVE BILL 167. Bracketed until March 1, 1976 at the request of Mr. F. Lewis.

LEGISLATIVE BILL 499. Laid over.

LEGISLATIVE BILL 346. Bracketed until January 26, 1976 at the request of Mr. Fowler.

LEGISLATIVE BILL 451. Laid over.

LEGISLATIVE BILL 232. Mr. Keyes moved to indefinitely postpone. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 561. Title read. Considered.

Standing Committee amendments found in the Journal on page 983 for the Fiftieth Day, First Session were adopted with 27 ayes, 0 nays and 22 not voting.

Laid over at the request of Mr. Murphy.

LEGISLATIVE BILL 177. Bracketed at the request of Mr. Luedtke until LB 477 is disposed of.

LEGISLATIVE BILL 487. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 549. Indefinitely postponed.
LEGISLATIVE BILL 554. Indefinitely postponed.

(Signed) Richard D. Marvel, Chairman

GENERAL FILE

LEGISLATIVE BILL 586. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 1 nay and 20 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 682. By Appropriations Committee: Marvel 33rd District, Chairman; Clark, 47th District; Bereuter, 24th District; Goodrich, 20th District; Stull, 49th District; Savage, 10th District; Simpson, 46th District.

A BILL FOR AN ACT to make appropriations for the Legislative Council for the period of July 1, 1976, to June 30, 1977; and to declare an emergency.

LEGISLATIVE BILL 683. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Bereuter, 24th District; Goodrich, 20th District; Savage, 10th District; Stull, 49th District; Simpson, 46th District.

A BILL FOR AN ACT to make an appropriation to provide for the payment of salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1976 to June 30, 1977; and to declare an emergency.

LEGISLATIVE BILL 684. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Bereuter, 24th District; Goodrich, 20th District; Savage, 10th District; Stull, 49th District.

A BILL FOR AN ACT to make appropriations for the Personal Property Tax Relief Fund and the Governmental Subdivision Fund for the period of July 1, 1976, to June 30, 1977; and to declare an emergency.

LEGISLATIVE BILL 685. By Kime, 43rd District.

A BILL FOR AN ACT to amend section 39-6,100, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Rules of the Road; to provide the maximum length livestock forage vehicles may be even with a permit; and to repeal the original section.

ADJOURNMENT

At 4:06 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Thursday, January 8, 1976.

Vincent D. Brown
Clerk of the Legislature

SECOND DAY—JANUARY 8, 1976

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE SECOND SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 8, 1976

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord, Thou hast brought us to this day in the new session. We feel somehow that while there are many bills to be considered, many issues to be decided, many voices to be heard, many conflicts to be resolved; there is also a new spirit - a willingness to cooperate, a desire to hear the other person's opinion, a belief that problems can be solved, a comitment to work toward the common good. This day, therefore, we pray that we may not be a part of the problems confronting us, but a part of their solution, through the power of Christ. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Schmit who was excused until he arrives and Mr. Fowler who was excused until 10:20a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

BILLS ON FIRST READING

The following bills were read for the first time by title.

LEGISLATIVE BILL 686. By George, 16th District.

A BILL FOR AN ACT to amend section 23-146, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to raise the limitation on the amount of contracts in which county officers may be interested; and to repeal the original section.

LEGISLATIVE BILL 687. By Clark, 47th District.

A BILL FOR AN ACT to amend sections 81-8,244 and 81-8,245, Reissue Revised Statutes of Nebraska, 1943, relating to Public Counsel; to authorize the appointment of a deputy public counsel for corrections; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 688. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 16-302.01, Revised Statutes Supplement, 1975, relating to cities of the first class; to remove the requirement of electing a water commissioner; and to repeal the original section.

LEGISLATIVE BILL 689. By F. Lewis, 45th District.

A BILL FOR AN ACT relating to counties; to provide for the establishment of a county civil service commission; to define terms; to classify county service positions; to provide for membership on the commission; to authorize reimbursement to members for costs incurred; to authorize the appointment of a personnel officer; to prescribe powers and duties; to provide for the standardization of wages and salaries; to encourage intergovernmental cooperation; to prohibit certain acts as prescribed; to provide penalties; and to provide severability.

MOTION–Return LB 204 to Select File

Mr. DeCamp moved to return LB 204 to Select File for the following specific amendment:
1. On page 10, line 2, strike "fifteen" and insert "~~fifteen~~ zero".

The motion prevailed with 26 ayes, 6 nays and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 204. The DeCamp specific amendment found in this day's Journal was renewed.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 29:

Anderson	Bereuter	Burbach	Burrows	Carsten
Clark	Cope	DeCamp	Duis	Fitzgerald

George	Hasebroock	Kelly	Kime	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Moylan
Murphy	Rasmussen	Rumery	Schmit	Simpson
Stull	Swigart	Warner	Wiltse	

Voting in the negative, 15:

Cavanaugh	Chambers	Dickinson	Dworak	Goodrich
Kennedy	Keyes	Koch	F. Lewis	Mahoney
Mills	Savage	Skarda	Stoney	Syas

Not voting, 5:

Barnett	Fowler	Johnson	Kremer	Nichol

The DeCamp amendment was adopted with 29 ayes, 15 nays and 5 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed.

Mr. Goodrich moved to bracket LB 204 until January 14, 1976 and print the bill with all amendments as bill is now before we advance the bill. The motion prevailed with 29 ayes, 9 nays and 11 not voting.

LEGISLATIVE BILL 491. Advanced to E & R for Engrossment with 27 ayes, 18 nays and 4 not voting.

LEGISLATIVE BILL 329. Standing Committee amendments found in the Journal on page 1002 for the Fifty-first Day, First Session were adopted with 28 ayes, 1 nay and 20 not voting.

Mr. Barnett moved to reconsider action on the adoption of the Dickinson amendment found in the Journal on page 107 for the First Day.

Mr. Barnett moved for a Call of the House. The motion prevailed with 19 ayes, 3 nays and 27 not voting.

Mr. Barnett requested a roll call vote on his motion to reconsider action on the Dickinson amendment.

Voting in the affirmative, 28:

Anderson	Barnett	Bereuter	Burbach	Chambers
Clark	DeCamp	Duis	Dworak	Fitzgerald
Fowler	Hasebroock	Johnson	Keyes	Kime
Kremer	F. Lewis	Luedtke	Mahoney	Maresh
Marsh	Mills	Moylan	Rumery	Schmit
Simpson	Stull	Wiltse		

Voting in the negative, 19:

Carsten Cavanaugh Cope Dickinson George
Goodrich Kelly Kennedy Koch R. Lewis
Murphy Nichol Rasmussen Savage Skarda
Stoney Swigart Syas Warner

Not voting, 2:

Burrows Marvel

The motion prevailed with 28 ayes, 19 nays and 2 not voting.

Mr. Carsten moved the Call be raised. The motion prevailed.

Mr. Dickinson moved for a Call of the House. The motion prevailed with 23 ayes, 10 nays and 16 not voting.

Mr. Dickinson requested a roll call vote.

Voting in the affirmative, 24:

Carsten Cope DeCamp Dickinson Dworak
Fitzgerald George Goodrich Kelly Kennedy
Keyes Koch Mills Murphy Nichol
Rasmussen Savage Schmit Skarda Stoney
Stull Swigart Syas Warner

Voting in the negative, 25:

Anderson Barnett Bereuter Burbach Burrows
Cavanaugh Chambers Clark Duis Fowler
Hasebroock Johnson Kime Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Rumery Simpson Wiltse

Not voting, 0.

The Dickinson amendment lost with 24 ayes, 25 nays and 0 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

Mr. Stull offered the following amendment:
To amend LB 329 by inserting a new section to provide that anyone over the age of 65 years does not have to take the written portion of the test upon application for license renewal.

Mr. Simpson requested a record vote.

Voting in the affirmative, 16:

Carsten
Cavanaugh
Clark
DeCamp
Duis
Fitzgerald
Johnson
Kime
Koch
R. Lewis
Maresh
Nichol
Rasmussen
Skarda
Stull
Syas

Voting in the negative, 21:

Barnett
Burbach
Burrows
Cope
Dickinson
Dworak
Fowler
George
Hasebroock
Kennedy
Keyes
Kremer
Luedtke
Mills
Rumery
Schmit
Simpson
Stoney
Swigart
Warner
Wiltse

Not voting, 12:

Anderson
Bereuter
Chambers
Goodrich
Kelly
F. Lewis
Mahoney
Marsh
Marvel
Moylan
Murphy
Savage

The amendment lost with 16 ayes, 21 nays and 12 not voting.

Advanced to E & R for Engrossment with 28 ayes, 4 nays and 17 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title.

LEGISLATIVE BILL 690. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Goodrich, 20th District; Savage, 10th District; Stull, 49th District; Marsh, 29th District; Bereuter, 24th District; Simpson, 46th District; Johnson, 15th District.

A BILL FOR AN ACT to make appropriations for expenses of agencies of higher education for the period of July 1, 1976, to June 30, 1977; and to declare an emergency.

LEGISLATIVE BILL 691. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Goodrich, 20th District; Savage, 10th District; Stull, 49th District; Marsh, 29th District; Bereuter, 24th District; Simpson, 46th District; Johnson, 15th District.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1976, to June 30, 1977; and to declare an emergency.

LEGISLATIVE BILL 692. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; R. Lewis, 38th District; Cavanaugh, 9th District; Moylan, 6th District; Maresh, 32nd District; Kelly, 35th District.

A BILL FOR AN ACT to amend sections 71-1,132.11 and 71-1,132.20, Revised Statutes Supplement, 1975, relating to nursing; to provide that the Board of Nursing shall set fees as prescribed; to provide duties of the board; to provide provisions for acquiring a credential in an expanded role; to repeal the original sections, and also section 71-1,132.23, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 693. By Maresh, 32nd District.

A BILL FOR AN ACT relating to county community buildings; to provide procedures; and to provide for agreements with respect to such buildings.

LEGISLATIVE BILL 694. By Burrows, 30th District.

A BILL FOR AN ACT to amend section 83-387, Reissue Revised Statutes of Nebraska, 1943, relating to residential facilities for mentally retarded persons; to provide for review of decisions to discharge or transfer mentally retarded persons; and to repeal the original section.

LEGISLATIVE BILL 695. By Fowler, 27th District.

A BILL FOR AN ACT to amend sections 39-2519 and 39-2520, Reissue Revised Statutes of Nebraska, 1943, relating to the distribution of highway funds to political subdivisions; to create additional purposes for which such funds may be used; and to repeal the original sections.

LEGISLATIVE BILL 696. By Savage, 10th District.

A BILL FOR AN ACT to amend section 23-160.01, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to allow the county board discretion to set the interest rate on money borrowed to satisfy warrants as prescribed; and to repeal the original section.

UNANIMOUS CONSENT–Member Excused

Mr. Skarda asked unanimous consent to be excused Friday, January 9, 1976. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 394. Mr. Murphy asked unanimous consent to bracket LB 394 indefinitely. No objections. So ordered.

LEGISLATIVE BILL 409. Mr. Carsten asked unanimous consent to bracket LB 409. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title.

LEGISLATIVE BILL 697. By Dworak, 22nd District; Savage, 10th District.

A BILL FOR AN ACT to amend sections 24-201.01, 24-310.01, 26-106, and 48-159, Revised Statutes Supplement, 1974, relating to judges; to provide for an increase in judges' salaries as prescribed; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 698. By Fowler, 27th District.

A BILL FOR AN ACT to amend sections 32-226 and 32-438, Reissue Revised Statutes of Nebraska, 1943, and section 32-216, Revised Statutes Supplement, 1975, relating to elections; to require that polling places and voting booths shall be constructed to provide free access by physically handicapped voters; to provide for voter registration by mail as prescribed; and to repeal the original sections.

UNANIMOUS CONSENT—Unbracket LB 545

Mr. Kennedy asked unanimous consent to unbracket LB 545 on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 348. Title read. Considered.

Standing Committee amendment found in the Journal on page 1003 for the Fifty-first Day, First Session, was discussed.

Mr. Mills offered the following amendment to the Standing Committee amendment:
Amend the Standing Committee amendment by striking "or change the track"

The Mills amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Standing Committee amendment, as amended, was adopted with 25 ayes, 2 nays and 22 not voting.

Mr. Barnett moved to indefinitely postpone. The motion lost with 10 ayes, 18 nays and 21 not voting.

Mr. Keyes offered the following amendment:
In line Six and after Vehicle, approval of Local Sheriff

The amendment lost with 9 ayes, 13 nays and 27 not voting.

Mr. Wiltse asked unanimous consent to bracket LB 348. No objections. So ordered.

LEGISLATIVE BILL 174. Laid over.

LEGISLATIVE BILL 225. Mr. Kelly asked unanimous consent to bracket LB 225. No objections. So ordered.

LEGISLATIVE BILL 464. Bracketed at request of Mr. DeCamp.

LEGISLATIVE BILL 581. Title read. Considered.

Standing Committee amendment found in the Journal on page 1041 for the Fifty-second Day, First Session, was adopted with 26 ayes, 0 nays and 23 not voting.

Laid over at the request of Mr. Anderson.

LEGISLATIVE BILL 569. Title read. Considered.

Standing Committee amendments found in the Journal on page 1050 for the Fifty-third Day, First Session, were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 485. Title read. Considered.

Standing Committee amendments found in the Journal on page 1050 for the Fifty-third Day, First Session, were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 412. Laid over at the request of Mr. Anderson.

LEGISLATIVE BILL 413. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Hasebroock asked unanimous consent to be excused this afternoon. No objections. So ordered.

VISITORS

President Whelan introduced 60 students and teacher, Mr. Richard Brown from Millard High School.

RECESS

At 11:51 a.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hasebroock who was excused and Mr. Johnson who was absent until 2:30 p.m.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
676	Appropriations	688	Urban Affairs
677	Labor	689	Gov. Mil. & Vets Afrs
678	Public Works	690	Appropriations
679	Judiciary	691	Appropriations
680	Pub. Hlth. & Wel.	692	Pub. Hlth. & Wel.
681	Agric. & Env.	693	Gov. Mil. & Vets Afrs
682	Appropriations	694	Pub. Hlth. & Wel.
683	Appropriations	695	Urban Affairs
684	Appropriations	696	Gov. Mil. & Vets Afrs
685	Public Works	697	Judiciary
686	Gov. Mil. & Vets Afrs	698	Gov. Mil. & Vets Afrs
687	Judiciary		

(Signed) Eugene T. Mahoney, Chairman

BILLS OF FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 699. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 84-205, Revised Statutes Supplement, 1974, relating to the Attorney General; to expand the duties of the office of the Attorney General as prescribed; and to repeal the original section.

LEGISLATIVE BILL 700. By Simpson, 46th District.

A BILL FOR AN ACT to amend sections 53-160.08, 53-168, and 53-175, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to authorize certain sales of alcoholic liquor to persons within motor vehicles; to provide that delinquent payment on accounts shall not prohibit sales of alcoholic liquors to retailers; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 431. Title read. Considered.

Standing Committee amendments found in the Journal on page 1050 for the Fifty-third Day, First Session, were adopted with 31 ayes, 1 nay and 17 not voting.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 432. Title read. Considered.

Standing Committee amendments found in the Journal on page 1051 for the Fifty-third Day, First Session, were adopted with 26 ayes, 9 nays and 14 not voting.

Advanced to E & R for Review with 26 ayes, 9 nays and 14 not voting.

LEGISLATIVE BILL 460. Title read. Considered.

Standing Committee amendments found in the Journal on page 1066 for the Fifty-third Day, First Session, were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 535. Title read. Considered.

Standing Committee amendments found in the Journal on page 1071 for the Fifty-third Day, First Session, were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 583. Title read. Considered.

Standing Committee amendment found in the Journal on page 1073 for the Fifty-third Day, First Session, was adopted with 27 ayes, 0 nays and 22 not voting.

The Luedtke pending amendments found in the Journal on page 1429 for the Sixty-eighth Day, First Session, were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 310. Title read. Considered.

Mr. DeCamp moved to indefinitely postpone.

Mr. DeCamp withdrew his motion to indefinitely postpone.

Mr. DeCamp asked unanimous consent to bracket LB 310. No objections. So ordered.

ANNOUNCEMENT

Speaker Burbach announced a meeting of the Chairmen of the Standing Committees in the Speaker's office at this time.

UNANIMOUS CONSENT—Bracket LB 454

Mr. Fitzgerald asked unanimous consent to bracket LB 454 until January 21 on General File. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 701. By Dworak, 22nd District.
A BILL FOR AN ACT to amend sections 53-144 and 53-145, Reissue Revised Statutes of Nebraska, 1943, and section 53-124, Revised Statutes Supplement, 1975, relating to alcoholic liquors; to create a new class of on sale license; to provide fees; and to repeal the original sections.

LEGISLATIVE BILL 702. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 29-2521, 29-2522, and 29-2524, Revised Statutes Supplement, 1974, relating to criminal procedure; to abolish the statutorily authorized death penalty; and to repeal the original sections, and also sections 29-1519, 29-2525 to 29-2528, and 29-2532 to 29-2546, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 703. By Schmit, 23rd District.

A BILL FOR AN ACT to adopt the Nebraska Hospital-Medical Liability Act.

LEGISLATIVE BILL 704. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 76-217.02, Reissue Revised Statutes of Nebraska, 1943, relating to acknowledgments of written instruments; to allow certain individuals who are notaries public to acknowledge instruments and administer oaths for various individuals from various financial organizations; and to repeal the original section.

LEGISLATIVE BILL 705. By Koch, 12th District.

A BILL FOR AN ACT to amend section 81-1318, Reissue Revised Statutes of Nebraska, 1943, relating to the personnel system; to change the membership on the State Personnel Board as prescribed; to change duties of the board; and to repeal the original section.

EASE

The Legislature was at ease from 4:05 to 4:20 p.m.

UNANIMOUS CONSENT–Bracket LB 174

Speaker Burbach asked unanimous consent to bracket LB 174 on General File for February 10, 1976. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 706. By Judiciary Committee: Luedtke, 28th District, Chairman; Chambers, 11th District; Nichol, 48th District; DeCamp, 40th District; Schmit, 23rd District; Barnett, 26th District; Anderson, 37th District.

A BILL FOR AN ACT relating to crimes and punishments; to harmonize provisions with the Nebraska Criminal Code; to provide an operative date; to amend sections 54-101.01, 54-107, 54-114, 54-116, 54-117, 54-119, 54-124, 54-128, 54-130, 54-133, 54-133.03, 54-143.01, 54-143.02, 54-145.06, 54-156, 54-158, 54-302, 54-306, 54-415, 54-613, 54-709, 54-726.04, 54-750 to 54-752, 54-753.04, 54-753.05, 54-758, 54-760, 54-761, 54-906, 54-1011, 54-1171, 54-1181.01, 54-1203, 54-1337, 54-1343, 54-1345, 54-1408, 54-1411, 54-1509, 54-1521 54-1605, 54-1711, 54-1808, 54-1913, 55-142, 55-165, 55-166, 55-175, 55-177, 55-428, 57-507, 57-516, 57-713, 57-915, 57-1106, 59-505, 59-705, 59-801, 59-802, 59-805, 59-815, 59-825, 59-1503, 60-116, 60-117, 60-320, 60-331.02, 60-343, 60-344, 60-409.13, 60-414, 60-423, 60-430, 60-430.01, 60-430.07, 60-436, 60-506, 60-558 to 60-560, 60-1005, 60-1202, 60-1307 to 60-1309, 60-1407.02, 60-1411.04, 60-1418, 60-1612, 60-1707, 60-1808, 60-1908, 60-1911, 60-2106 to 60-2108, 60-2211, 60-2307, 62-304, 63-103, 66-102, 66-107, 66-312, 66-312.01, 66-316, 66-326, 66-410.02, 66-410.07, 66-419, 66-427, 66-431, 66-432, 66-443, 66-520.01, 66-524, 66-637, 68-314, 68-1017, 69-109, 69-208, 69-1005, 69-1007, 69-1008, 69-1102, 69-1215, 69-1324, 70-409, 70-508, 70-511, 70-514, 70-642.04, 71-166, 71-167, 71-1,101, 71-1,132.36, 71-1,147.13, 71-1,167, 71-220, 71-338, 71-502, 71-503, 71-506, 71-515, 71-613, 71-1006, 71-1103, 71-1114, 71-1118, 71-1343, 71-1613, 71-1631.01, 71-1805, 71-1905, 71-2028, 71-2511, 71-2718, 71-2916, 71-3107, 71-3213, 71-3517, 71-3715, 71-3822, 71-3829, 71-4719, 72-245, 72-313, 73-105, 74-204, 74-560, 74-584, 74-593, 74-607, 74-609.01, 74-706, 74-710, 74-806, 74-819, 74-906, 74-912, 74-914, 74-1001, 74-1012, 74-1124, 75-127, 75-151, 75-155, 75-322.01, 75-428, 75-429, 75-434, 75-610, 75-723, 76-247, 76-527, 77-408, 77-605, 77-607, 77-668, 77-1219, 77-1220, 77-1231.01, 77-1232, 77-1261, 77-1268, 77-1318.02, 77-1324, 77-1719.02, 77-1725, 77-1726, 77-1816, 77-2026, 77-2105, 77-2310, 77-2311, 77-2323, 77-2325, 77-2326, 77-2350.02, 77-2614, 77-2615, 77-2619, 77-2711, 77-2713, 77-27,113 to 77-27,116, 77-3009, 77-3110, 79-216, 79-454, 79-493, 79-4,138, 79-514, 79-516, 79-806, 79-1051, 79-1269, 79-1273, 79-1553, 79-1707, 79-1808, 79-1824, 80-405, 81-217.10, 81-217.15, 81-228, 81-257, 81-263.79, 81-263.122, 81-267, 81-275.33, 81-280, 81-291, 81-293, 81-2,120, 81-2,121, 81-2,134, 81-2,147.09, 81-2,154, 81-2,157, 81-2,179, 81-2,185, 81-2,196, 81-513, 81-522, 81-538, 81-541, 81-570, 81-812.04, 81-815.19, 81-815.33, 81-8,127, 81-8,142, 81-8,158, 81-8,205, 81-8,254, 82-111, 82-124, 82-126, 83-198, 83-1,133, 83-315, 83-356, 83-417, 83-473, 84-712.03, 84-1327, 86-106, 86-108, 86-110, 86-202, 86-203, 86-210, 86-211, 86-329, 86-503, 86-702, 86-707, 87-220, 88-402, 88-513, 88-515, 88-522, 88-615, 89-206, and 89-207, Reissue Revised Statutes of Nebraska, 1943, sections 60-407, 60-1416, 66-466, 71-1331, 71-2045.09, 71-2512, 72-802, 76-1315, 77-202.20, 77-1226.01, 79-442, 79-488, 79-488.06, 81-2,230, 81-8,286, 81-1108.18, 81-1525, 83-151, 83-443, 84-1404, 85-179.10, and 89-1,101, Revised Statutes Supplement, 1974, and sections 54-796, 54-839, 54-1811, 60-403.01, 60-403.10, 71-4608, 81-161.05, 81-2,162.17, 81-5,113, 81-885.45, 81-1117.03, 84-1414, 88-518, and 90-104, Revised Statutes Supplement, 1975; and to repeal the original sections.

LEGISLATIVE BILL 707. By Judiciary Committee: Luedtke, 28th District, Chairman; Chambers, 11th District; Nichol, 48th District; Barnett, 26th District; Schmit, 23rd District; Anderson, 37th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to crimes and punishments; to harmonize provisions with the Nebraska Criminal Code; to provide an operative date; to amend sections 1-166, 2-219, 2-220, 2-220.03, 2-1007, 2-1036, 2-1042, 2-1045, 2-1052, 2-1059, 2-1207, 2-1215, 2-1218, 2-1806, 2-1807, 2-1811, 2-1825, 2-2319, 2-2409, 2-2446, 2-2607, 2-2710, 2-3008, 2-3109, 3-152, 3-330, 3-408, 3-613, 4-106, 7-101, 7-111, 8-109, 8-113, 8-114, 8-118, 8-119, 8-127, 8-133, 8-138, 8-139, 8-142, 8-145, 8-147, 8-154, 8-175, 8-189, 8-1,119, 8-225, 8-226, 8-305, 8-333, 8-345, 8-403.04, 8-449, 8-829, 8-904, 8-1014, 8-1117, 8-1207, 9-102, 9-122, 10-509, 10-807, 11-101.02, 12-512.07, 12-519, 12-617, 13-116, 21-622, 21-1306, 21-1318, 21-1332, 21-1771, 22-303, 23-135.01, 23-147, 23-343.09, 23-343.45, 23-343.94, 23-350, 23-387, 23-808, 23-813, 23-817, 23-919, 23-928, 23-1507, 23-1612, 23-2325, 24-216, 25-1563, 25-1630, 25-1635, 28-1020, 28-1021, 28-1022, 28-1027, 28-1029, 28-1109, 28-1406, 29-739, 29-817, 30-215, 31-435, 31-828, 32-415, 32-416, 32-430, 32-461, 32-493, 32-713, 32-821 to 32-823, 32-1050, 32-1054, 32-1143, 32-1150, 32-1151, 32-1152, 32-1153, 32-1155, 32-1202 to 32-1234, 32-1237 to 32-1240, 33-132, 35-520, 36-213.01, 37-103, 37-208, 37-211.01, 37-213, 37-213.01, 37-213.06, 37-215.07, 37-220, 37-225, 37-235, 37-306, 37-309, 37-406.02, 37-410, 37-414, 37-421, 37-503.06, 37-506, 37-516 to 37-519, 37-520, 37-523, 37-525 37-527, 37-604, 37-605, 37-610, 37-706, 37-712, 37-718, 37-719, 37-726, 39-803.06, 39-806, 39-808, 39-1012, 39-1335, 39-1362, 39-1412, 39-1801, 39-1806 39-1810, 39-1815, 39-1816, 39-2612, 41-121, 41-127, 41-127.01, 41-130, 42-113, 42-126, 42-127, 43-709, 44-147, 44-333.02, 44-361.02, 44-368, 44-390 to 44-392, 44-394, 44-3,101, 44-3,106, 44-3,121, 44-624, 44-1068, 44-1070, 44-1209, 44-1438, 44-1482, 44-2007, 45-128, 45-136, 45-153, 45-154, 45-162, 45-208, 45-343, 46-155, 46-213, 46-254, 46-257, 46-263, 46-263.01, 46-266, 46-278, 46-280, 46-282, 46-607, 46-612, 46-612.01, 46-807, 47-206, 48-125.01, 48-145.01, 48-147, 48-211, 48-213, 48-216, 48-219, 48-222, 48-230, 48-311, 48-313, 48-414, 48-418.11, 48-424, 48-433, 48-434, 48-442, 48-511, 48-513, 48-612, 48-614, 48-645, 48-646, 48-663, 48-664, 48-666, 48-716, 48-812, 48-910, 48-1005, 48-1118, 48-1123, 48-1206, 48-1227, 49-211, 49-231, 49-1106, 49-1113, 50-318, 51-109, 52-124, 52-503, 53-111, 53-122, 53-124.07, 53-155, 53-157, 53-180.05, 53-182, 53-195 to 53-197, 53-1,100, and 53-1,104, Reissue Revised Statutes of Nebraska, 1943, sections 8-417.01, 29-835, 29-908, 32-1149, 37-211, and 39-1320.10, Revised Statutes Supplement, 1974, and sections 2-963, 2-1506.12, 2-3223.01, 2-3324, 3-504, 8-140, 20-129, 23-114.05, 32-515, 32-1310, 37-308, 37-437, 37-519, 39-6,112, and 43-205.04, Revised Statutes Supplement, 1975; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Appropriations

LB 691	Thursday, January 15, 1976
2:00	Department of Banking
2:20	Investment Council
2:40	Commission on the Status of Women
3:10	Commission on Aging
3:30	Educational Lands and Funds
4:00	Court of Industrial Relations
4:30	Department of Health

(Signed) Richard D. Marvel, Chairman

Judiciary

LB 636	Monday, January 19, 1976	2:00 p.m.
LB 637	Monday, January 19, 1976	2:00 p.m.
LB 654	Monday, January 19, 1976	2:00 p.m.
LB 629	Tuesday, January 20, 1976	2:00 p.m.
LB 640	Tuesday, January 20, 1976	2:00 p.m.
LB 669	Tuesday, January 20, 1976	2:00 p.m.
LB 633	Wednesday, January 21, 1976	2:00 p.m.
LB 639	Wednesday, January 21, 1976	2:00 p.m.
LB 655	Wednesday, January 21, 1976	2:00 p.m.

(Signed) Roland A. Luedkte, Chairman

Government, Military and Veterans Affairs

LB 630	Thursday, January 15, 1976	2:00 p.m.
LB 635	Thursday, January 15, 1976	2:00 p.m.
LB 641	Thursday, January 15, 1976	2:00 p.m.
LB 652	Thursday, January 15, 1976	2:00 p.m.

LB 659	Friday, January 16, 1976	2:00 p.m.
LB 661	Friday, January 16, 1976	2:00 p.m.
LB 671	Friday, January 16, 1976	2:00 p.m.
LB 672	Friday, January 16, 1976	2:00 p.m.

(Signed) Dennis Rasmussen, Chairman

Miscellaneous Subjects and Judiciary

The Miscellaneous Subjects Committee and the Judiciary Committee will hold a joint hearing on Thursday, January 15, 1976 at 2:00 p.m., in Room 1019 to conduct a general investigatory hearing on the Nebraska Commission on Law Enforcement and Criminal Justice.

(Signed) Gary L. Anderson, Chairman

Public Health and Welfare

LB 627	Monday, January 19, 1976	1:30 p.m.
LB 674	Monday, January 19, 1976	1:30 p.m.

(Signed) Thomas C. Kennedy, Chairman

Education

LB 626	Monday, January 19, 1976	2:00 p.m.
LB 648	Monday, January 19, 1976	2:00 p.m.

(Signed) Frank Lewis, Chairman

Constitutional Revision and Recreation

LB 662	Thursday, January 15, 1976	1:30 p.m.
LB 663	Thursday, January 15, 1976	1:30 p.m.

(Signed) George Syas, Chairman

ANNOUNCEMENTS

Mr. Rasmussen announced an executive session of the Government, Military and Veterans Affairs Committee, Monday, January 12, 1976 at 9:00 a.m. in the Legislative Council Hearing Room.

Mr. Anderson announced an executive session of the Miscellaneous Subjects Committee, Friday, January 9, 1976 at 1:30 p.m.

VISITORS

The President introduced Senator Ramey Whitney from Chappel, Nebraska.

ADJOURNMENT

At 4:33 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Friday, January 9, 1976.

Vincent D. Brown
Clerk of the Legislature

THIRD DAY—JANUARY 9, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 9, 1976

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father in heaven, save us from the conceit which refuses to believe that God knows more about government than we do, and deliver us from the stubborness that will not seek God's help.
>
> Today we claim thy promise: "if any man lack wisdom, let him ask of God, who giveth to all men liberally, and it shall be given him." Thou knowest, Lord, how much we need it. Make us willing to ask for it and eager to have it. In Jesus' name we pray. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Schmit who was excused until he arrives and Messrs. Simpson and Skarda who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Second Day was approved.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (Cum. Supp. 1972) a summary of all fees paid to date during calendar year 1975 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	ATTORNEYS	FEE
Lower Platte North	Wm. E Tomek	$1,000.00

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 708. By Savage, 10th District.

A BILL FOR AN ACT to amend section 81-1528, Revised Statutes Supplement, 1974, relating to the Environmental Protection Act; to provide that cities of the metropolitan class shall be exempt from licensing and control of solid waste disposal systems provisions as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 709. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 79-1003, Revised Statutes Supplement, 1975, relating to Class V school districts; to provide that school board members shall be elected at large as prescribed; and to repeal the original section.

UNANIMOUS CONSENT—Unbracket LB 272

Mr. Swigart asked unanimous consent to unbracket LB 272 on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 272. Mr. Swigart moved to indefinitely postpone. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 495. Title read. Considered.

Standing Committee amendment found in the Journal on page 1098 for the Fifty-fourth Day, First Session, was adopted with 32 ayes, 2 nays and 15 not voting.

Advanced to E & R for Review with 31 ayes, 1 nay and 17 not voting.

LEGISLATIVE BILL 534. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Fowler asked unanimous consent to print the following amendments to LB 175 in the Journal. No objections. So ordered.

AMENDMENTS TO L.B. 175

1. Strike original sections 1 to 4 and insert the following:

"Section 1. After the effective date of this act, any retired or disabled fireman or policeman of any city of the primary class, or any survivor beneficiary nominated by such fireman or policeman, receiving retirement or disability pension or death settlement payments under the provisions of sections 15-1001 to 15-1018, shall receive a monthly supplemental pension payment in the amount calculated pursuant to section 2 of this act.

Sec. 2. Persons covered by this act shall receive a monthly supplemental pension payment, which shall be in such amount that, when added to current monthly benefit payments, the total minimum monthly payment shall be two hundred dollars, except that such minimum benefits shall not apply to children receiving pension benefits.

Sec. 3. The city's cost of the monthly supplemental pension payments provided by this act shall be incurred by every city of the primary class and such cost shall be assumed by the fire and police pension fund.

Sec. 4. That section 15-1001.01, Revised Statutes Supplement, 1975, be amended to read as follows:

15-1001.01. As used in sections 15-1001 to 15-1018, unless the context otherwise requires:

(1) Regular pay shall mean the average pay of a fireman or policeman for the five years preceding the date such fireman or policeman elects to retire or his death whichever is earlier; and

(2) Regular interest shall mean the rate of interest earned each calendar year, commencing January 1, 1976, as determined by the city in conformity with actual and expected earnings on investment of the fund created by section 15-1016. Whenever such interest is required to be credited to any fireman or policeman under the provisions of sections 15-1001 to 15-1018, such interest during any calendar year or portion of such year shall be based upon his accumulated contributions on January 1 of that year.

Sec. 5. That original section 15-1001.01, Revised Statutes Supplement, 1975, is repealed.".

2. Renumber original section 5 as section 6.

3. In the title, line 4 after the semicolon insert "to amend section 15-1001.01, Revised Statutes Supplement, 1975, relating to pensions; to redefine terms; to repeal the original section;".

NOTICE OF COMMITTEE HEARINGS

Appropriations

LB 691 Friday, January 16, 1976

2:00 p.m.	Public Employees Retirement Board
2:20 p.m.	Military Department
2:40 p.m.	Mexican-American Commission
3:00 p.m.	Indian Commission
3:30 p.m.	Natural Resources Commission
4:00 p.m.	Department of Environmental Control
4:30 p.m.	District Courts

(Signed) Richard D. Marvel, Chairman

GENERAL FILE

LEGISLATIVE BILL 440. Title read. Considered.

MR. SAVAGE PRESIDING

Advanced to E & R for Review with 26 ayes, 11 nays and 12 not voting.

LEGISLATIVE BILL 441. Laid over at the request of Mr. Anderson.

LEGISLATIVE BILL 503. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1109 for the Fifty-fourth Day, First Session, were adopted with 26 ayes, 2 nays and 21 not voting.

PRESIDENT WHELAN PRESIDING

Advanced to E & R for Review with 28 ayes, 5 nays and 16 not voting.

LEGISLATIVE BILL 584. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 37. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 76. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 8 nays and 16 not voting.

UNANIMOUS CONSENT–Print in Journal

Mr. Clark asked unanimous consent to print the following amendments to LB 275 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 275

1. Strike original sections 1 to 12 and all amendments thereto and insert the following:

"Section 1. The Legislature declares that the proper operation of a correctional institution is an extraordinarily difficult undertaking. There must be mutual accommodation among correctional needs and objectives, constitutional provisions, and rights and concerns of inmates confined in the institution. The Legislature further declares that a correctional institution is, by its very nature, a restriction on the liberty and desires of an individual and that discipline within the institution is vital to the purpose for which it is established. The Legislature further finds and declares that although the institution is to be a restriction on an individual's actions, and that the rights of an inmate may be diminished by the needs and exigencies of the institutional environment, nevertheless the inmate is not without certain rights and constitutional protections. The Legislature therefore states that the intent of this act is to provide a means by which the rights and obligations of correctional service officials and inmates in an adult correctional institution are outlined so as to avoid unnecessary and disagreeable confrontations between officials and inmates, or between the inmates themselves.

Sec. 2. This act shall be known and may be cited as the Nebraska Correctional Rights and Procedures Act.

Sec. 3. As used in this act, unless the context otherwise requires:

(1) Department shall mean the Department of Correctional Services;

(2) Director shall mean the Director of Correctional Services; and

(3) Inmate shall mean any individual committed to a correctional institution or who is otherwise subject to the authority of the department.

Sec. 4. The provisions of this act shall govern:

(1) Discipline procedures in adult institutions administered by the department;

(2) Disciplinary action in adult institutions within the system of the department;

(3) Review of disciplinary actions and sanctions imposed upon any adult person subject to the control of the department; and

(4) Grievance and grievance review in adult institutions, including grievances pertaining to disciplinary action, inmate rights and rehabilitation opportunities, work or education programs, and personal complaints.

Sec. 5. (1) Within sixty days after the effective date of this act, the department shall adopt and promulgate rules and regulations to establish criteria for justifiably and reasonably determining which rights and privileges an inmate forfeits upon commitment and which rights and privileges an inmate retains.

(2) Such rules and regulations shall include, but not be limited to, criteria concerning (a) disciplinary restrictions on clothing, bedding, facilities, mail, and visitations in an institution, (b) solitary confinement, (c) grievance procedures, hearings, and review, (d) good time credit, (e) criteria for psychological treatment and sociological development programs, (f) rehabilitation opportunities, and (g) educational or employment programs.

(3) The rules and regulations adopted pursuant to this act shall in no manner depive an inmate of any rights and privileges to which such person is entitled under other provisions of law or under policies adopted in a correctional institution.

Sec. 6. (1) There shall be no corporal punishment or disciplinary restrictions on diet or bedding.

(2) Disciplinary restrictions on clothing, mail, visitation, or use of institutional facilities may be imposed only for abuse of such privilege or facility.

(3) No inmate may be placed in solitary confinement for disciplinary reasons for more than fifteen consecutive days, or for more than thirty days out of any forty-five day period. The warden or director may approve longer periods of solitary confinement in cases of violence or attempted violence by the inmate against another person or property.

(4) Reasonable separation or isolation of inmates may be employed when it would foster proper institutional control.

(5) Discipline shall not be imposed on any inmate because such person reasonably employs the grievance procedure.

(6) Inmates shall be assisted and encouraged to pursue educational opportunities, occupational development, and employment skill training in programs of their choosing.

The rules and regulations adopted by the department shall comply with the provisions of this section.

Sec. 7. (1) Copies of all rules and regulations shall be filed pursuant to Chapter 84, article 9, and shall be distributed to all adult correctional institutions in this state.

(2) Each correctional institution shall maintain the rules and regulations in such a manner as to make such rules and regulations easily available to inmates.

(3) Inmates shall be informed of rules and policies concerning institutional behavior and discipline, inmate rights and developmental opportunities, work or education programs, and complaint procedures. Such rules and policies, or significant portions thereof, shall be posted at conspicuous places throughout the institution.

Sec. 8. Sections 9 to 20 of this act shall govern disciplinary actions, grievance procedures, and the exercise of personal rights and privileges in the adult correctional institutions of this state.

Sec. 9. (1) Grievance proceedings, established pursuant to the provisions of this act or pursuant to rules and regulations adopted under this act, shall be available to challenge (a) an alleged deprivation of any right, privilege, work or education program, or rehabilitation opportunity of an inmate by an institution official or another inmate, or (b) the imposition of any disciplinary sanction or penalty on an inmate because of an alleged violation by such inmate of the policies, behavioral standards, or privileges of the institution.

(2) Each inmate in an adult correctional institution shall be informed of the grievance procedures established under this act, and copies of such grievance procedures shall be made available to all inmates.

(3) If an inmate is dissatisfied with any action taken by an official or board regarding a grievance or disciplinary proceding, he may appeal the action to the deputy counsel for corrections. The deputy public

counsel for corrections shall be informed of all activities occurring pursuant to such grievance procedures and shall seek to resolve disputes. Inmates shall be informed, by written notice, of the availability of such deputy public counsel for corrections and the availability of the appeal process to him. The deputy public counsel for corrections may also take part in the resolution of any charge of disciplinary violations brought against an inmate.

Sec. 10. The director may establish one or more disciplinary hearing boards which shall hear and determine any charge brought against any inmate which has not been resolved through the efforts of the deputy public counsel for corrections, the individuals involved in the charge, and the institution officials. Such boards may be composed of laymen associated with corrections work, fellow inmates of the institution where the board sits, corrections officials or employees, or a combination of those classes mentioned. If practicable, a person representing the counseling staff of the institution shall participate in determining the disposition of any disciplinary action.

Sec. 11. A written report of any alleged infraction shall be filed with the warden or the board within seventy-two hours of the occurrence of such infraction or the discovery of it. Such report shall be placed in the files of the institution.

Sec. 12. No disciplinary proceeding shall be commenced more than eight calendar days after the infraction or the discovery of such infraction unless the committed person is unable or unavailable for any reason to participate in a disciplinary proceeding.

Sec. 13. Any inmate charged with a violation or infraction of any policy, regulation, behavioral standard, or privilege shall be given notice of the charge including the specific violation and policy, regulation, standard, or privilege involved.

Sec. 14. Any inmate charged with a violation of any policy, regulation, standard, or privilege shall be entitled to a hearing before the warden, director, or disciplinary hearing board. Such hearing shall be addressed only to the charge involved and the inmate shall have an opportunity to appear in person and present a defense. The individual bringing the charge shall also appear at such hearing.

Sec. 15. (1) The warden, director, disciplinary hearing board, or inmate may summon any witness, who may have knowledge concerning the charge, to testify at the hearing, and the witnesses may be questioned and cross-examined by such parties at the hearing.

(2) No witness shall be compelled to testify if the director or disciplinary hearing board finds good cause why a witness should not testify, and specifies such findings in writing to each party to the hearing.

Sec. 16. The inmate charged shall have an adequate opportunity to prepare a defense. Such opportunity shall include the right to testify in his own behalf, the right to present documentary evidence, and the right to assistance and advice in preparing and presenting a defense from any fellow inmate or staff member at the institution where the hearing is held. Such inmate or staff member shall serve only in an advisory capacity for the person so charged.

Sec. 17. (1) If the charge is sustained, the person charged shall be entitled to a written statement of the decision by the persons determining the disposition of the charge including the basis for the decision and the disciplinary action, if any, to be imposed.

(2) A change in work, education, or other program assignment shall not be used for disciplinary purposes without prior review and approval of the warden or the director.

Sec. 18. The director shall establish procedures to review the grievances of inmates. The director may establish one or more administrative review boards within the department to review grievances which have not been resolved through the efforts of the deputy public counsel for corrections, the individuals involved in the grievance or complaint, and the institution officials. An inmate's right to file grievances shall not be restricted. Grievance rules shall provide for the review of grievances by a person or persons other than the person or persons directly responsible for the conditions or actions against which the grievance is made. No member of any review board shall also be a member of a disciplinary hearing board, but the same considerations for appointing members to the disciplinary hearing board may apply to appointing members to a review board.

Sec. 19. (1) Grievance review procedures shall provide that a record of grievances and any decision made with respect to such grievances shall be preserved for a period of one year.

(2) Grievance review procedures shall allow committed persons to communicate grievances directly to the deputy public counsel for corrections or the director.

Sec. 20. Nothing in this act shall be construed as to restrict or impair an inmate's free access to the courts and necessary legal representation in any cause of action."

GENERAL FILE

LEGISLATIVE BILL 502. Mr. Barnett asked unanimous consent to bracket LB 502 until January 15, 1976. No objections. So ordered.

LEGISLATIVE BILL 521. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 444. Bracketed at the request of Mr. Fowler.

LEGISLATIVE BILL 445. Bracketed at the request of Mr. Fowler.

LEGISLATIVE BILL 590. Bracketed at the request of Mr. Murphy.

LEGISLATIVE BILL 533. Mr. Hasebroock moved to indefinitely postpone. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 515. Title read. Considered.

Standing Committee amendments found in the Journal on page 1461 for the Sixty-ninth Day, First Session, were adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 565. Title read. Considered.

Standing Committee amendment found in the Journal on page 1462 for the Sixty-ninth Day, First Session, was rejected with 31 ayes, 0 nays and 18 not voting.

Mr. Barnett offered the following amendment:

In lieu of the Standing Committee Amendment on page 2, line 10 after "county" insert "not specially benefited by any garbage or waste disposal services".

Mr. DeCamp asked unanimous consent to bracket LB 565.

Mr. Barnett objected.

Mr. DeCamp moved to bracket LB 565.

Mr. DeCamp withdrew his motion.

The Barnett amendment lost with 19 ayes, 12 nays and 18 not voting.

Mr. Fowler asked unanimous consent to bracket LB 565. No objections. So ordered.

LEGISLATIVE BILL 587. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 608. Mr. F. Lewis moved to indefinitely postpone. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 299. Title read. Considered.

Standing Committee amendment found in the Journal on page 1052 for the Fifty-third Day, First Session, was adopted with 28 ayes, 0 nays and 21 not voting.

The F. Lewis amendment found in the Journal on page 1148 for the Fifty-sixth Day, First Session, was withdrawn.

Mr. Barnett moved to indefinitely postpone.

Mr. Barnett withdrew his motion.

UNANIMOUS CONSENT—Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 266 in the Journal. No objections. So ordered.

AMENDMENT TO LB 266

1. In committee amendments found on page 1215 of the 1975 Journal, section 2, strike the comma in line 3 and strike line 4 and insert "who have a minimum of two years remaining in his period of enlistment,"; and in line 5 strike "four" and insert "three".

UNANIMOUS CONSENT—Members Excused

Mr. Duis asked unanimous consent to be excused this afternoon. No objections. So ordered.

Mr. Wiltse asked unanimous consent to be excused at 3:00 p.m. today. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 107.

Introduced by Maresh, 32nd District.

WHEREAS, acceptance of free tickets to University of Nebraska-Lincoln football games by individuals in public and private life has generated recent publicity detrimental to the best interest of all concerned; and

WHEREAS, the majority of the citizens of the state do not have access to such tickets on a regular basis because of non-availability of the tickets; and

WHEREAS, the Board of Regents of the University of Nebraska has control over the issuance of such tickets through the Athletic Department of the University; and

WHEREAS, the public image of both the University of Nebraska and the individuals who receive such tickets should be as untarnished as possible.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That in the future, the Board of Regents accept payment for football game tickets previously given free to individuals and public officials.
2. That individuals and public officials no longer accept free football game tickets.

Laid over.

NOTICE OF COMMITTEE HEARING
Public Works

LB 625	Thursday, January 15, 1976	2:00 p.m.
LB 628	Thursday, January 15, 1976	2:00 p.m.
LB 650	Friday, January 16, 1976	2:00 p.m.
LB 678	Friday, January 16, 1976	2:00 p.m.
LB 685	Friday, January 16, 1976	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 710. By Luedtke, 28th District; Savage, 10th District.

A BILL FOR AN ACT to amend section 48-806, Reissue Revised Statutes of Nebraska, 1943, relating to the Court of Industrial Relations; to change judges' qualifications and compensation as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 711. By Cavanaugh, 9th District.

A BILL FOR AN ACT relating to cities; to provide that cities of the metropolitan class may establish landmark heritage preservation districts; to authorize the creation of a landmark heritage preservation commission; to prescribe duties and responsibilities; to provide for membership; and to declare an emergency.

LEGISLATIVE BILL 712. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 25-1301.01, Revised Statutes Supplement, 1974, relating to judgments; to provide for the mailing of notices of judgments; and to repeal the original section.

RECESS

At 11:59 a.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Duis, Moylan, Simpson, Skarda and Warner who were excused.

UNANIMOUS CONSENT–Member Excused

Mr. Johnson asked unanimous consent to be excused at 2:30 p.m. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
699	Gov. Mil. & Vets Afrs	706	Judiciary
700	Misc. Subjects	707	Judiciary
701	Misc. Subjects	708	Agric. & Env.
702	Judiciary	709	Gov. Mil. & Vets Afrs
703	No recommendation	710	Labor
704	Bkg. Comm. & Ins.	711	Urban Affairs
705	Gov. Mil. & Vets Afrs	712	Judiciary

REFERENCE COMMITTEE REPORT

The Reference Committee met at 12 Noon, Friday, January 9, 1976, and made the following recommendation:

> A motion was made by Senator Barnett, seconded by Senator Mahoney, that all bills having reference to medical malpractice be sent to the floor of the Legislature for referral to a committee by the entire Legislature. Motion carried by a vote of five ayes, and four voting no.

(Signed) Eugene T. Mahoney, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. R. Lewis asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

MOTION—Malpractice Bills

Mr. Cavanaugh moved all Malpractice bills, including 680 and 703, be referred to Health and Welfare for Public hearing, as amended by Marsh Amendment.

Mr. Murphy moved to amend the Cavanaugh motion as follows:
To suspend the rules (Rule 3, Sec. 20) and continue the Special Interim Study Committee, the hearing committee for all Malpractice bills.

Mr. DeCamp raised a point of order on whether the amendment is germane to the Cavanaugh motion. The Chair ruled the amendment out of order at this time.

Mrs. Marsh moved to amend the Cavanaugh motion as follows:
All bills on legal changes in Malpractice be assigned to Judiciary.

Mr. Murphy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Marsh amendment to the Cavanaugh motion prevailed with 19 ayes, 17 nays and 13 not voting.

The Cavanaugh motion, as amended, lost with 15 ayes, 19 nays and 15 not voting.

UNANIMOUS CONSENT–Print in Journal

Mr. Koch asked unanimous consent to print the following amendments to LB 120 in the Journal.

AMENDMENTS TO LB 120

1. On page 2, lines 23 and 24, strike the new matter; in line 25 after the period insert "Those officers elected to four-year terms in 1976 shall have their terms extended to the first Tuesday in October, 1980.".

2. On page 3, lines 19 through 21 and lines 24 and 25, strike the new matter; in line 25 after the period insert "Those officers elected to four-year terms in 1976 shall have their terms extended to the first Tuesday in October, 1980.".

3. On page 4, lines 19 and 20 strike the new matter; in line 20 after the period insert "Those officers elected to four-year terms in 1976 shall have their terms extended to the first Tuesday in October, 1980.".

4. On page 7, line 15, strike "1975" and insert "1980".

5. On page 10, line 17, strike "1976" and insert "1980".

6. On pages 10 and 11, strike original section 8 and renumber original sections 9 to 15 as sections 8 to 14 accordingly.

7. On page 11, lines 17 through 19, strike the new matter and reinstate the old matter; in line 20 after "ballots" insert "and the partisan ballot as requested by such voter upon his or her appearance at the polling place".

8. On page 19, line 22 strike "32-506,".

9. On page 20, strike lines 1 through 3 and insert:

"Sec. 14. This act shall become operative on January 1, 1980.".

UNANIMOUS CONSENT–Member Excused

Mr. Kremer asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

MOTION–Suspend Rules

Mr. Murphy moved to suspend the rules (Rule 3, Sec. 20) to provide that the Legislature may refer a bill to a special committee.

Mr. DeCamp raised a point of order on the Murphy motion that we cannot by suspension of the rules, create a special committee.

The Chair ruled the Murphy motion in order and overruled the DeCamp point of order.

Mr. DeCamp appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 16 ayes, 17 nays and 16 not voting.

EASE

The Legislature was at ease from 3:28 p.m. until 3:35 p.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 713. By Executive Board: Mahoney, 5th District, Chairman; Kelly, 35th District; Cavanaugh, 9th District; Savage, 10th District; Rasmussen, 41st District; R. Lewis, 38th District; Barnett, 26th District; Burbach, 19th District.

A BILL FOR AN ACT to amend section 60-310, Revised Statutes Supplement, 1974, relating to motor vehicle registrations; to provide the renewal period for 1976; to harmonize provisions; to repeal the original section, and also section 60-341, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 714. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 71-102, 71-110, 71-112, 71-113, and 71-116, Reissue Revised Statutes of Nebraska, 1943, and sections 71-122 and 71-162, Revised Statutes Supplement, 1974, relating to public health and welfare; to require a license to practice audiology or speech pathology as prescribed; to create an examining board; to provide for membership, duties, and compensation of such board; to define terms; to provide duties of the Department of Health; to provide penalties; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 715. By Dickinson, 31st District.

A BILL FOR AN ACT to amend section 2-3216, Revised Statutes Supplement, 1975, relating to natural resources; to allow directors to receive certain compensation; and to repeal the original section.

LEGISLATIVE BILL 716. By Dickinson, 31st District.

A BILL FOR AN ACT to amend section 71-1630, Revised Statutes Supplement, 1974, relating to public health and welfare; to provide qualifications for membership on boards of health as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 717. By Constitutional Revision and Recreation Committee: Syas, 13th District, Chairman; Swigart, 8th District; Carsten, 2nd District; Dworak, 22nd District; Cope, 36th District; Keyes, 3rd District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend sections 37-212 and 81-815.34, Reissue Revised Statutes of Nebraska, 1943, relating to the Game and Parks Commission; to provide that the commission may establish change cash funds; to provide procedures; to provide duties of the commission; and to repeal the original sections.

LEGISLATIVE BILL 718. By Executive Board: Mahoney, 5th District; Chairman; Kelly, 35th District; Schmit, 23rd District; Barnett, 26th District; Savage, 10th District; Rasmussen, 41st District; R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 50-114.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Legislature; to eliminate the requirement that the Clerk of the Legislature bind the looseleaf copies of the journal; and to repeal the original section.

UNANIMOUS CONSENT—Withdraw Motion

Mr. Murphy asked unanimous consent to withdraw his pending motion to suspend the rules. No objections. So ordered.

MOTION—Malpractice Bills

Mr. Cavanaugh moved to refer LB 703 to the Public Health and Welfare committee. The motion prevailed with 28 ayes, 7 nays and 14 not voting.

Mr. Murphy moved that all medical malpractice bills including LB680 be referred to the Public Health and Welfare Committee for public hearing. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

GENERAL FILE

LEGISLATIVE BILL 299. Considered.

Mr. Syas moved to reconsider action on the adoption of the Standing Committee amendments adopted today. The motion lost with 19 ayes, 11 nays and 19 not voting.

Mr. Barnett moved to indefinitely postpone LB 299. The motion lost with 16 ayes, 19 nays and 14 not voting.

Mr. Kennedy moved for a Call of the House on advancing LB 299 to E & R for Review. The motion prevailed with 23 ayes, 12 nays and 14 not voting.

The Call showed 39 members present.

Mr. Kennedy moved the Call be raised. The motion prevailed.

LB 299 was advanced to E & R for Review with 25 ayes, 11 nays and 13 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 719. By Swigart, 8th District.

A BILL FOR AN ACT to amend section 14-109, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to expand the categories of individuals required to register vehicles as prescribed; to strike a limitation on registration fees; to repeal the original section; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 103. Mr. Bereuter asked unanimous consent to bracket LR103 until January 23, 1976.

Mr. Barnett objected.

Mr. Bereuter moved to bracket LR103 until January 23, 1976. The motion prevailed with 26 ayes, 5 nays and 18 not voting.

LEGISLATIVE RESOLUTION 104. Read and considered.

LR104 was adopted with 26 ayes, 0 nays and 23 not voting.

ADJOURNMENT

At 4:11 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Monday, January 12, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

FOURTH DAY—JANUARY 12, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 12, 1976

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> Eternal God and Spirit who indwells us and all the universe you have created; We would be mindful in beginning thisday, of your admonition to us: "My thoughts are not your thoughts, neither are my ways your ways, says the Lord," But as the heavens are higher than the earth, so are my ways than your ways, and my thoughts than your thoughts." Grant us, O Lord, your perception of things when our minds are perplexed, our solutions thwarted, and our answers ineffective. Open our minds to the amazing possiblities before us; and our hearts to the fresh resources of your love and grace.
>
> Guide this day in all deliberations, legislative actions, and personal feelings. Bless each Senator, President and Clerk of our Legislature. In Christ's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and Chambers who were excused until they arrive, Mr. Anderson who was absent until 11:40, and Mr. Cavanaugh who was absent.

CORRECTIONS FOR THE JOURNAL

The Journal for the Third Day was approved.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of January 9, 1976. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Baer, John R. F. – Chicago, Illinois, Schwinn Bicycle Company
Blake, William G. – Lincoln, City of Lincoln, Nebraska
Carter, Edward F. Jr. – Lincoln, Con's Distributing Company
Denney, Max A. – Lincoln, Nebraska Consumer Credit Association
Dunn, David A. – Bellevue, Bellevue Public Schools
Duritsa, Thomas E. – Lincoln, Lincoln Chamber of Commerce
Elrod, Don – Bellevue, Don Elrod and Associates
Elrod, Don – Grand Island (withdrawn 1-5-76), Nebraska American Federation of State, County and Municipal Employees
Felton, Kay – Lincoln, Nebraska Civil Liberties Union
Fischer, Thomas B. – Lincoln, First National Bank & Trust Company of Lincoln
Gardner, James S. – Omaha (withdrawn 1-5-76), Nebraska State Home Builders Association
Goebel, Henry Edward – Lincoln, Nebraska Joint State Legislative Committee of NRTA/AARP
Graves, Eugene J. Jr. – Lincoln, Nebraska State Home Builders Association
Humpal, John – Omaha, Nebraska Medical Association
Johnson, Michael R. – Lincoln, Con's Distributing Company
Jorgensen, Lanford L. – Lincoln, Lincoln Center Development Association
Kaplan, Roberta M. – Omaha (withdrawn 12-29-75), Eastern Nebraska Human Services Agency
Knudsen, Berkheimer, Endacott & Beam–Lincoln
  Beam, C. Arlen, Nebraska Wholesale Suppliers Association
  Beam, C. Arlen, Wausau Homes, Inc.
  Ruth, Larry L., Nebraska Wholesale Suppliers Association
  Ruth, Larry L., Wausau Homes, Inc.
Kolins, Ronald K. – Washington, D.C., Bicycle Manufacturers Association of America, Inc.
Licht, Alice L. – Lincoln, Association Services, Inc.
McDowell, Robert O – Lincoln (withdrawn 1-8-76), Nebraska New Car Dealers Association
Nuss, Carol – Bellevue, Indian Arts and Crafts Association; Nebraska Educational Sales and Service Assn.; Nebraska Wing - Civil Air Patrol; United Indians of Nebraska

Schimek, Herbert – Lincoln, Nebraska State Education Association
Schmidt, Kenneth E. – Lincoln (withdrawn 1-2-76), Cooperative Service Company
Schmidt, Kenneth E. – Lincoln, Nebraska Cooperative Council
Sullivan, John L. – Lincoln, Nebraska New Car Dealers Association
Wheeler, Calvin W. – Omaha, Mutual of Omaha Insurance Company
Wunderlich, LaRue – Roca (Removed- fee returned 7-17-75), Nebraska Lutheran Legislative Caucus
Yost, Kurt T. – Lincoln, Mid-America Lumbermens Association

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee will meet in executive session today at 1:30 p.m. in Room 1019.

BILLS ON FINAL READING

LEGISLATIVE BILL 30. Mr. Hasebroock asked unanimous consent to bracket LB 30. No objections. So ordered.

LEGISLATIVE BILL 180. Speaker Burbach asked unanimous consent to bracket LB 180. No objections. So ordered.

LEGISLATIVE BILL 239. Mr. Kennedy asked unanimous consent to bracket LB 239. No objections. So ordered.

UNANIMOUS CONSENT–Member Excused

Mr. Mahoney asked unanimous consent to be excused Tuesday, January 13, 1976. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 175. Standing Committee amendments found in the Journal on page 1326 for the Sixty-fourth Day, First Session, were rejected with 28 ayes, 0 nays and 21 not voting.

Mr. Fowler asked unanimous consent to withdraw his pending amendments found in the Journal on page 146 for the Third Day. No objections. So ordered.

Mr. Fowler offered the following amendment:

AMENDMENTS TO L.B. 175

1. Strike original sections 1 to 4 and insert the following:

"Section 1. After the effective date of this act, any retired or disabled fireman or policeman of any city of the primary class, or any survivor beneficiary nominated by such fireman or policeman, receiving retirement or disability pension or death settlement payments under the provisions of sections 15-1001 to 15-1018, or prior statutes of Nebraska, shall receive a monthly supplemental pension payment in the amount calculated pursuant to section 2 of this act; provided, that such minimum pension shall not be payable to any person receiving benefits under section 15-1006 (4).

Sec. 2. Persons covered by this act shall receive a monthly supplemental pension payment, which shall be in such amount that, when added to current monthly benefit payments, the total minimum monthly payment shall be two hundred dollars, except that such minimum benefits shall not apply to children receiving pension benefits.

Sec. 3. The city's cost of the monthly supplemental pension payments provided by this act shall be incurred by every city of the primary class and such cost shall be assumed by the fire and police pension fund.

Sec. 4. That section 15-1001.01, Revised Statutes Supplement, 1975, be amended to read as follows:

15-1001.01. As used in sections 15-1001 to 15-1018, unless the context otherwise requires:

(1) Regular pay shall mean the average pay of a fireman or policeman for the five years preceding the date such fireman or policeman elects to retire or his death whichever is earlier; and

(2) Regular interest shall mean the rate of interest earned each calendar year, commencing January 1, 1976, as determined by the city in conformity with actual and expected earnings on investment of the fund created by section 15-1016. Whenever such interest is required to be credited to any fireman or policeman under the provisions of sections 15-1001 to 15-1018, such interest during any calendar year or portion of such year shall be based upon his accumulated contributions on January 1 of that year.

Sec. 5. That original section 15-1001.01, Revised Statutes Supplement, 1975, is repealed.".

2. Renumber original section 5 as section 6.

3. In the title, line 4 after the semicolon insert "to amend section 15-1001.01, Revised Statutes Supplement, 1975, relating to pensions; to redefine terms; to repeal the original section;".

The amendment was adopted with 38 ayes, 0 nays and 11 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LB 460 in the Journal. No objections. So ordered.

AMENDMENT TO LB 460

1. On page 13 insert a new section as follows:

"Sec. 8. That section 79-446.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-446.01. Any school district in this state, wherein one or more of the children of parents residing on tax-exempt state-owned airfields attend school, shall be entitled to charge as tuition for each of such pupils, for the time such pupil is enrolled, an amount to be that district's per pupil cost for the current year, if such child is enrolled in the grade school of such district, and the regular nonresident high school tuition rate if such child is enrolled in any high school of such district. The tuition so charged shall be paid by the Department of Aeronautics out of an appropriation therefor from the ~~General Fund~~ Department of Aeronautics Cash Fund.".

2. On page 13, line 25 strike "and" and after "3-111," insert "and 79-446.01,".

3. Renumber original section 6 as section 9.

4. On page 13, insert a new section after line 27 as follows:

"Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

MOTION—Return LB 350 to General File

Mr. Murphy moved to return LB 350 to General File. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

GENERAL FILE

LEGISLATIVE BILL 350. Mr. Murphy moved to indefinitely postpone. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

UNANIMOUS CONSENT—Unbracket LB 372

Mr. Barnett asked unanimous consent to unbracket LB 372 on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 372. Mr. Barnett moved to indefinitely postpone. The motion prevailed with 31 ayes, 2 nays and 16 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 720. By Stull, 49th District.

A BILL FOR AN ACT to amend section 66-462, Revised Statutes Supplement, 1974, relating to motor vehicle fuels; to change provisions relating to claims for gasoline tax credit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 721. By Stull, 49th District.

A BILL FOR AN ACT to amend sections 54-118, 54-132, and 54-133, Reissue Revised Statutes of Nebraska, 1943, and sections 54-104, 54-104.01, 54-108, 54-110, and 54-131, Revised Statutes Supplement, 1975, relating to brands and marks; to increase fees; to change provisions relating to expired brands; to provide powers and duties of the Nebraska Brand Committee and the Brand Recorder as prescribed; to change provisions as to who may sign a bill of sale; to change penalty provisions; and to repeal the original sections.

LEGISLATIVE BILL 722. By Rumery, 42nd District.

A BILL FOR AN ACT to amend sections 81-2,170 and 81-2,171, Reissue Revised Statutes of Nebraska, 1943, relating to bee husbandry; to change the entry requirement applicable to bees on comb, used hives, and other used apiary appliances; to repeal the original sections, and also section 81-2,171.01, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

SELECTIVE COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 386. Replaced on Select File as amended.
E & R amendments to LB 386:

1. In the Anderson amendment 1, line 2, strike the period.
2. In the Anderson amendment 2, line 1, strike the comma; in line 3 strike the semicolon.
3. In the Anderson amendment 3, line 2, show the second "dollars" as stricken.
4. In the title, strike beginning with the first "to" in line 7 through line 8 and insert "to reduce the age of eligibility; to increase credit for active practice; to change fees; and to repeal".

LEGISLATIVE BILL 536. Replaced on Select File as amended.
E & R amendments to LB 536:

1. On page 3, line 8, reinstate the stricken matter.

2. In the title, line 4, strike "an exemption on" and insert "that with respect to"; and in line 5 strike "with" and insert "there shall be no".

LEGISLATIVE BILL 329. Replaced on Select File as amended.
E & R amendments to LB 329:

1. Renumber original section 2 as section 3.
2. In the title, line 2, strike "section 60-404" and insert "sections 60-404 and 60-409"; and in line 5 strike "adequate facilities" and insert "office space"; after the semicolon in line 6 insert "to increase the percentage of certain fees retained by the county;"; and in line 7 strike "section" and insert "sections".

LEGISLATIVE BILL 275. Placed on Select File as amended.
E & R amendments to LB 275:

1. On page 2, line 11, insert "adult" after "All"; and in lines 17 and 19 strike "and" and insert "or".
2. On page 3, line 14, strike "made" and insert "filed".
3. On page 4, insert a comma at the end of line 15.
4. In committee amendment 3, line 8, insert "his or" after "state".
5. On page 5, line 18, strike "which" and insert ", which statement".
6. In the title, line 3, insert "adult" after "for".

LEGISLATIVE BILL 487. Placed on Select File.

LEGISLATIVE BILL 586. Placed on Select File as amended.
E & R amendment to LB 586:

1. On page 2, line 5, strike "deemed".

LEGISLATIVE BILL 569. Placed on Select File as amended.
E & R amendments to LB 569:

1. On page 2, line 10, insert an underscored period after "Services".
2. In the title, line 4, insert "to delete a requirement for revocation;" after the semicolon; and in line 7 insert "to delete a requirement for certain reports;" after the semicolon.

LEGISLATIVE BILL 485. Placed on Select File as amended.
E & R amendments to LB 485:

1. In the title, lines 2 and 3, strike "the acquisition of certain" and insert "certain actions with respect to".

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Cope asked unanimous consent to print the following amendments to LB 339 in the Journal. No objections. So ordered.

AMENDMENT TO LB 339

Strike all amendments to LB 339 and insert the following:

1. On page 2, strike original section 2 and insert the following:

"Sec. 2. Any county which has hotels lying within its boundaries, including hotels within the limits of any city or village in such county is hereby authorized by resolution of its governing body, to impose a sales tax based upon the monetary charge for occupancy of any sleeping room furnished by any hotel at a rate not to exceed three per cent thereof, as provided in this act.".

2. On page 3, lines 20 and 24 strike "city or"; line 26 strike "city" and insert "cities".

3. On page 4, line 2 strike "city"; line 3 strike the first "or"; line 4 after the period insert "If the convention and visitor committee contracts with any persons or organization as herein authorized, such contract shall first be approved by the governing body of the respective county."; lines 7, 9, 12, 20, and 25, strike "city or"; line 12 after "act" insert ", and in prescribing the forms and the making of rules and regulations the county treasurer shall be consulted and have the opportunity to participate in the formulation thereof"; line 26 after "fund" insert "on a monthly basis".

4. On page 5, line 1 strike "city," and after "county" strike ","; strike lines 4 to 18 and insert the following:

"Sec. 9. (1) The county shall, by resolution, appoint a convention and visitor committee to administer the convention and visitor fund and make expenditures therefrom to carry out the purposes for which such fund is created. The committee shall consist of five members, two of whom shall be representatives of the hotel business as defined by the terms of this act, one shall be a representative of the chamber of commerce of the largest city of the county, and two to be appointed at large by the county.".

5. On page 6, line 8 strike "city or" and after "county" strike the rest of the line and insert "which shall approve its budget as to staff and operations."; after line 11 insert new sections as follows:

"Sec. 12. The county treasurer shall retain three per cent of the amount collected for the purpose of defraying the cost of collection. Enforcement of the collection of the tax shall be by and through the county treasurer of the respective county, and the cost of auditing and enforcement of the tax shall be provided for and paid out of funds in the budget of the convention and visitor committee.

Sec. 13. Any person who fails to pay or is delinquent in the payment of the tax required to be paid pursuant to this act shall be assessed a penalty of ten per cent of the amount due, and in addition thereto, the unpaid balance due or the deficiency shall bear interest at the rate of three-fourths of one per cent per month or fraction thereof computed from the last day of the month following the period for which the amount should have been returned until the date of payment. In addition to the above penalty, any person who willfully fails to pay the tax or any part thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars for each violation.".

UNANIMOUS CONSENT—Member Excused

Mr. Maresh asked unanimous consent to be excused at 2:00 p.m. until he arrives. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 343. Title read. Considered.

Mr. Rasmussen moved to indefinitely postpone.

Mr. Syas requested a record vote.

Voting in the affirmative, 20:

Barnett Bereuter Burbach Carsten Clark
Dickinson Duis George Kennedy Keyes

Kime R. Lewis Luedtke Maresh Marvel
Nichol Rasmussen Rumery Schmit Simpson

Voting in the negative, 16:

Cope Dworak Fitzgerald Fowler Goodrich
Johnson Koch Kremer F. Lewis Mahoney
Marsh Stoney Swigart Syas Warner
Wiltse

Not voting, 13:

Anderson Burrows Cavanaugh Chambers DeCamp
Hasebroock Kelly Mills Moylan Murphy
Savage Skarda Stull

The motion prevailed with 20 ayes, 16 nays and 13 not voting.

UNANIMOUS CONSENT–Print in Journal

Mr. Barnett asked unanimous consent to print the following amendments to LB 502 in the Journal. No objections. So ordered.

AMENDMENT TO LB 502

1. Strike original sections 1 to 3, and insert new sections 1 and 2 as follows:

"Section 1. No lender, in connection with a mortgage loan, shall require the borrower or prospective borrower to do the following:

(1) To deposit in any escrow account which may be established in connection with such loan for the purpose of assuring payment of taxes and insurance premiums with respect to the property, prior to or upon the date of settlement, an aggregate sum in excess of;

(a) In any jurisdiction where such taxes and insurance premiums are postpaid, the total amount of such taxes and insurance premiums which will actually be due and payable on the date of settlement and the pro rata portion thereof which has accrued; or

(b) In any jurisdiction where such taxes and insurance premiums are prepaid, a pro rata portion of the estimated taxes and insurance premiums corresponding to the number of months from the last date of payment to the date of settlement, plus one-twelfth of the estimated total amount of such taxes and insurance premiums which will become due and payable during the twelve-month period beginning on the date of settlement; or

(2) To deposit in any such escrow account in any month beginning after the date of settlement a sum for the purpose of assuring payment of taxes and insurance premiums with respect to the property in excess of one-twelfth of the total amount of the estimated taxes and insurance premiums which will become due and payable during the twelve-month period beginning on the first day of such month, except that in the event the lender determines there will be a deficiency on the due date he shall not be prohibited from requiring additional monthly deposits in such escrow account of pro rata portions of the deficiency corresponding to the number of months from the date of the lender's determination of such deficiency to the date upon which such taxes and insurance premiums become due and payable.

Sec. 2. Any lender who violates any of the provisions of section 1 of this act, shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 723. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 25-1557, Reissue Revised Statutes of Nebraska, 1943, and sections 25-1552, 25-1556, and 25-1558, Revised Statutes Supplement, 1974, relating to statutory exemptions; to provide exemptions to persons who are not heads of families; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING
Urban Affairs

LB 656	Wednesday, January 21, 1976	2:00 p.m.
LB 657	Wednesday, January 21, 1976	2:00 p.m.
LB 688	Wednesday, January 21, 1976	2:00 p.m.
LB 711	Wednesday, January 21, 1976	2:00 p.m.

(Signed) Steve Fowler, Chairman

GENERAL FILE

LEGISLATIVE BILL 546. Title read. Considered.

Mr. Schmit moved to indefinitely postpone.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 20 nays and 14 not voting.

Mr. F. Lewis requested a record vote on the Schmit motion to indefinitely postpone.

Voting in the affirmative, 28:

Anderson	Bereuter	Burbach	Carsten	Clark
Cope	Dickinson	Duis	Dworak	George
Hasebroock	Kelly	Kennedy	Kime	Koch
Kremer	Luedtke	Maresh	Marsh	Marvel
Murphy	Nichol	Rasmussen	Schmit	Stoney
Stull	Warner	Wiltse		

Voting in the negative, 14:

Barnett	Burrows	Chambers	Fitzgerald	Fowler
Goodrich	Keyes	F. Lewis	R. Lewis	Mahoney
Mills	Rumery	Skarda	Syas	

Not voting, 7:

Cavanaugh	DeCamp	Johnson	Moylan	Savage
Simpson	Swigart			

The motion to indefinitely postpone prevailed with 28 ayes, 14 nays and 7 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 724. By Nebraska Transportation Advisory Committee: Stull, 49th District, Chairman; Warner, 25th District; Carsten, 2nd District; Savage, 10th District; Kremer, 34th District.

A BILL FOR AN ACT to amend sections 39-2103, 39-2115, 39-2117, 39-2118, 39-2119, 39-2121, 39-2502, 39-2512, and 39-2519, Reissue Revised Statutes of Nebraska, 1943, relating to highways and bridges; to provide six classifications for rural highways; to provide that the State Treasurer may suspend the distribution of revenue as prescribed; to change provisions relating to the six-year plan; to provide that reports be submitted to the Board of Public Roads Classifications and Standards; and to repeal the original sections, and also sections 39-848, 39-849, 39-850, 39-851, 39-852, 39-854, 39-1309, 39-1310, and 39-1312, Reissue Revised Statutes of Nebraska, 1943.

REFERENCE COMMITTEE REPORT

January 12, 1976

Mr. President:

The Legislative Council Executive Board respectfully requests that Legislative Bills No. 713 through 723 be referred to standing committees as per the attached listing.

(Signed) Eugene T. Mahoney, Chairman; Wally Barnett, Vice Chairman; Dennis L. Rasmussen, R. D. Kelly, Loran Schmit and Richard Lewis.

LB	Committee	LB	Committee
713	General File	719	Urban Affairs
714	Pub. Hlth & Wel.	720	Revenue
715	Agric. & Env.	721	Agric. & Env.
716	Pub. Hlth & Wel.	722	Agric. & Env.
717	Cons. Rev. & Rec.	723	Judiciary
718	Judiciary		

ANNOUNCEMENTS

Mr. Kennedy announced an executive session of the Public Health and Welfare Committee at 1:30 p.m. today under the North balcony.

Mr. Luedtke announced an executive session of the Judiciary Committee at 1:30 p.m., Tuesday, January 13, 1976 in room 2102.

UNANIMOUS CONSENT—Members Excused

Messrs. Rasmussen and Dickinson asked unanimous consent to be excused this afternoon until they return. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Agriculture and Environment

LB 642	Thursday, January 22, 1976	2:00 p.m.
LB 647	Thursday, January 22, 1976	2:00 p.m.

LB 681	Thursday, January 22, 1976	2:00 p.m.

(Signed) Loran Schmit, Chairman

Public Health and Welfare

LB 632	Monday, January 26, 1976	1:30 p.m.
LB 692	Monday, January 26, 1976	1:30 p.m.

(Signed) Thomas C. Kennedy, Chairman

Judiciary

LB 679	Monday, January 26, 1976	2:00 p.m.
LB 687	Monday, January 26, 1976	2:00 p.m.
LB 697	Tuesday, January 27, 1976	2:00 p.m.
LB 712	Tuesday, January 27, 1976	2:00 p.m.
LB 623	Wednesday, January 28, 1976	2:00 p.m.
LB 706	Wednesday, January 28, 1976	2:00 p.m.
LB 707	Wednesday, January 28, 1976	2:00 p.m.
LB 702	Wednesday, January 28, 1976	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

VISITORS

The President introduced Mr. Fred Lockwood, Scottsbluff County Commissioner; 5 Senior High School students and teacher from Aurora; 15 members of the Saline County Extension Board and Jim Emal, County Agent from Wilber.

RECESS

At 11:55 a.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dickinson, F. Lewis, Maresh, Kremer, and Rasmussen who were excused until they arrive; Mr. R. Lewis who was excused until 2:30 p.m.; and Mr. Schmit who was excused.

UNANIMOUS CONSENT—Member Excused

Mr. Mills asked unanimous consent to be excused at 2:15 p.m. No objections. So ordered.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 144. Indefinitely postponed.
LEGISLATIVE BILL 516. Indefinitely postponed.
LEGISLATIVE BILL 531. Indefinitely postponed.
LEGISLATIVE BILL 539. Indefinitely postponed.
LEGISLATIVE BILL 591. Indefinitely postponed.

(Signed) Dennis L. Rasmussen, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 725. By Bereuter, 24th District.

A BILL FOR AN ACT to amend section 77-27,144, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to reduce the amount of administration fee for collecting taxes imposed by municipalities; to provide for deposit of fees in the General Fund as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 108.

Introduced by Kelly, 35th District; Savage, 10th District.

WHEREAS, the encouragement and public display of art is in the public interest, and

WHEREAS, the State of Nebraska, through its government, University, state college system and public schools has long encouraged the public display of art, and

WHEREAS, a refusal of the Interstate-80 Sculptures Corporation's gift of ten sculptures to the State of Nebraska would be a reversal of this policy, and

WHEREAS, such a reversal would make future art acquisitions more difficult, and would thwart the public's desire to view public art, and

WHEREAS, many Nebraskans wish to support sculpture of a more traditional style, created by Nebraska artists and depicting Nebraska heritage,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN EIGHTY-FOURTH SESSION ASSEMBLED:

That the Legislature accepts on behalf of the citizens of this state, the gift of the I-80 Sculptures Corporation.

BE IT FURTHER RESOLVED that, in order to provide public monuments of a more traditional nature, the Legislature recommends to the Nebraska Arts Council that an "All Nebraska Project" be organized to fulfill the desire of many Nebraskans to have traditional sculptures depicting Nebraska's heritage created by Nebraska artists on public display.

The Legislature directs its Clerk, Vincent D. Brown, to send a copy of this resolution to the two respective organizations and the Governor, to inform them of the will of the Legislature.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 561. Title read. Considered.

The Murphy amendments found in the Journal on page 1195 for the Fifty-eighth Day, First Session, were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 581. Title read. Considered.

Mr. Anderson offered the following amendment which was adopted with 28 ayes, 0 nays and 21 not voting.

AMENDMENT TO LB 581

1. On page 3, after line 9 insert the following:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, line 8 after ";" strike "and"; line 9 before the period insert "; and to declare an emergency".

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. DeCamp asked unanimous consent to be excused until he arrives. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 412. Title read. Considered.

Mr. Anderson moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

The Call showed 39 members present.

Mr. Anderson requested a roll call vote.

Voting in the affirmative, 25:

Anderson
Barnett
Burbach
Burrows
Chambers
Cope
Goodrich
Hasebroock
Keyes
Koch
Luedtke
Mahoney
Marsh
Moylan
Murphy
Nichol
Rumery
Savage
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Wiltse

Voting in the negative, 14:

Bereuter
Carsten
Cavanaugh
Clark
Duis
Dworak
Fitzgerald
Fowler
George
Johnson
Kelly
Kennedy
Kime
Marvel

Not voting, 10:

DeCamp
Dickinson
Kremer
F. Lewis
R. Lewis
Maresh
Mills
Rasmussen
Schmit
Warner

Advanced to E & R for Review with 25 ayes, 14 nays and 10 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed.

LEGISLATIVE BILL 441. Title read. Considered.

Standing Committee amendments found in the Journal on page 1103 for the Fifty-fourth Day, First Session, were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 26 ayes, 1 nays and 22 not voting.

LEGISLATIVE BILL 519. Bracketed until Tuesday, January 20, 1976 at the request of Mr. F. Lewis.

LEGISLATIVE BILL 248. Title read. Considered.

The Standing Committee amendments found in the Journal on page 1243 for the Sixtieth Day were considered.

Mr. Bereuter offered the following amendment to the Standing Committee amendments:

Amendment to the Standing Committee Amendment to LB 248,
printed in the Journal of the Eighty-fourth Legislature,
First Session, pages 1243 and 1244.

> Strike that portion of Standing Committee Amendment 4, found on page 1244, which relates to line 26 on page 6 of LB 248 to reinstate the words "different from".

MR. SIMPSON PRESIDING

The Bereuter amendment was adopted.

Mr. Bereuter offered the following amendment to the Standing Committee amendments:

Amendment to the Standing Committee Amendment to LB 248, printed in the Journal of the Eighty-fourth Legislature, First Session, pages 1243 and 1244.

1. Strike Committee Amendment 2, found on page 1243, to reinstate lines 4 through 13 on page 4 of LB 248.

2. In line 6 of Committee Amendment 5, found on page 1244, strike "land-use provisions", and insert "zoning and subdivision regulations".

The amendment was adopted.

Standing Committee amendments were adopted, as amended, with 26 ayes, 5 nays and 18 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 596. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 646 Monday, January 19, 1976 2:00 p.m.

LB 651 Monday, January 19, 1976 2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

Constitutional Revision and Recreation

LB 296 Thursday, January 29, 1976 1:30 p.m.

(Signed) George Syas, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 266 in the Journal. No objections. So ordered.

AMENDMENT TO LB 266

1. In committee amendments, section 2, lines 3 and 4, strike "begin after the effective date of this act" and insert "have a minimum of ten years remaining on their enlistment at the commencement of each term in their respective courses of study"; in line 4 strike "four" and insert "three"; and in line 6 strike "baccalaureate".

2. In committee amendments, section 3, line 7, insert "upon initial enrollment" after "credit"; in lines 9 and 10 strike "semester for academic" and insert "subsequent"; and in line 10 strike "commission".

UNANIMOUS CONSENT—Member Excused

Mr. Mahoney asked unanimous consent to be excused Wednesday, January 14, 1976. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 726. By Koch, 12th District.

A BILL FOR AN ACT to amend sections 79-2203, 79-2204, and 79-2210, Reissue Revised Statutes of Nebraska, 1943, and section 79-2208, Revised Statutes Supplement, 1974, relating to educational service units; to provide that members of educational service unit boards be appointed as prescribed; to reduce the authorized mill levy and designate the uses for the revenue from such levy; to require payment for services from school districts; to create an advisory board; to provide duties of such board; and to repeal the original sections, and also sections 79-2203.02 and 79-2203.03, Reissue Revised Statutes of Nebraska, 1943, and section 79-2202.01, Revised Statutes Supplement, 1975.

LEGISLATIVE BILL 727. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 14-201, 14-204, 14-205, 14-206, 14-207, 14-209, and 14-216, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to provide for the election of city council members by districts as prescribed; to declare intent; to provide duties and procedures; to provide for the election of the mayor; to provide operative dates; and to repeal the original sections, and also sections 14-203, 14-217, and 14-222, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 728. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 77-2704 Revised Statutes Supplement, 1974, section 77-2715, Revised Statutes Supplement, 1975, and section 77-2715.01, Revised Statutes Supplement, 1975, as amended by section 1, Legislative Bill 4, Eighty-fourth Legislature, First Special Session, 1975, relating to taxation; to exempt food and food products from sales and use taxes; to eliminate the food sales tax credit; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 729. By Revenue Committee: Carsten, 2nd District, Chairman; Cope, 36th District; Keyes, 3rd District; Dworak, 22nd District; Mahoney, 5th District; Skarda, 7th District.

A BILL FOR AN ACT to amend section 23-921, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Budget Act; to eliminate the provision that a subdivision whose budget is less than five thousand dollars does not have to comply with the act; and to repeal the original section.

LEGISLATIVE BILL 730. By Revenue Committee: Carsten, 2nd District, Chairman; Cope, 36th District; Keyes, 3rd District; Dworak, 22nd District; Mahoney, 5th District; Skarda, 7th District.

A BILL FOR AN ACT to amend section 23-930, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Budget Act; to provide for contests of budget statements by taxpayers as prescribed; to provide for appeal; and to repeal the original section.

LEGISLATIVE BILL 731. By Revenue Committee: Carsten, 2nd District; Chairman; Cope, 36th District; Keyes, 3rd District; Dworak, 22nd District; Mahoney, 5th District; Skarda, 7th District.

A BILL FOR AN ACT to amend sections 23-923 and 23-929, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Budget Act; to provide for publication of notice of noncompliance; to provide penalties for noncompliance; and to repeal the original sections.

LEGISLATIVE BILL 732. By Fitzgerald, 14th District.

A BILL FOR AN ACT relating to advertising; to provide that foreign products offered for sale shall be advertised as such; to amend section 28-1236, Reissue Revised Statutes of Nebraska, 1943; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 733. Marsh, 29th District.

A BILL FOR AN ACT to amend section 79-329, Revised Statutes Supplement, 1975, relating to the State Board of Education; to change authority for publications and use of the proceeds of sale; and to repeal the original section.

LEGISLATIVE BILL 734. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Fowler, 27th District, Kelly, 35th District; Cavanaugh, 9th District; Maresh, 32nd District; Moylan, 6th District.

A BILL FOR AN ACT relating to the Uniform Anatomical Gift Act; to provide for notation of the fact of gift on motor vehicle operators' licenses except as prescribed; and to provide an operative date.

LEGISLATIVE BILL 735. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Cavanaugh, 9th District; Moylan, 6th District; Kelly, 35th District; Fowler, 27th District.

A BILL FOR AN ACT to adopt the Medical Liability Act of 1976.

STANDING COMMITTEE REPORTS
Public Health and Welfare
and Banking, Commerce and Insurance

LEGISLATIVE BILL 602. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman
Public Health & Welfare Committee

(Signed) J. R. Murphy, Chairman
Banking, Commerce & Insurance
Committee

PRESIDENT WHELAN PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 109.

Introduced by Johnson, 15th District.

WHEREAS, the explosion and ensuing fire at the Pathfinder Hotel in Fremont, Nebraska on January 10 was a major disaster; and

WHEREAS, there have been at least twelve deaths and many wounded as a result thereof and scores of people – mainly the elderly – have been rendered homeless; and

WHEREAS, only prompt action by numerous agencies and individuals kept the disaster from becoming even greater; and

WHEREAS, there is need for assistance of various kinds to those affected.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

The Legislature:

(1) Extends its deepest sympathy to the entire city of Fremont and most particularly to those injured and those rendered homeless and to their relatives and friends and those of the dead;

(2) Commends all those, both agencies and individuals who responded quickly at the time of crisis, especially to those who exposed themselves to substantial bodily loss in so doing; and

(3) Pledges itself to make available all support and assistance within the capabilities of state government at this time of great need and to extend any help which it may be able to give to units of local government in the obtaining of any available assistance from the federal government.

Mr. Johnson moved to suspend the rules, (Rule 4, Sec. 5) to consider LR 109 today.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

LR 109 was adopted with 32 ayes, 0 nays and 17 not voting.

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following Resolution: LR 104.

UNANIMOUS CONSENT–Member Excused

Mr. Kelly asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 613. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 736. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 19-418, 19-615, 23-153, and 23-278, Reissue Revised Statutes of Nebraska, 1943, section 79-439, Revised Statutes Supplement, 1974, and section 84-1412, Revised Statutes Supplements, 1975, relating to meetings of public bodies; to provide that meetings of public bodies may be conducted in barrier-free buildings; and to repeal the original sections.

LEGISLATIVE BILL 737. By Clark, 47th District.

A BILL FOR AN ACT relating to special conveyances of real property; to declare intent; and to provide that the Game and Parks Commission may acquire certain lands.

RESOLUTIONS

LEGISLATIVE RESOLUTION 105. Read and considered.

Mr. Duis asked unanimous consent to add the names of all members to LR 105. No objections. So ordered.

LR 105 was adopted with 33 ayes, 0 nays and 16 not voting.

The members stood for a moment of silence in memory of Mr. Srb.

LEGISLATIVE RESOLUTION 106. Read and considered.

Mr. Keyes asked unanimous consent to add his name to LR 106. No objections. So ordered.

Referred to the Reference Committee for referral.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 738. By Cavanaugh, 9th District.

A BILL FOR AN ACT relating to motor vehicle registration; to define terms; to establish classification standards for modernized vintage vehicles; to provide for the registration of such vehicles as prescribed; to require a safety inspection; and to provide equipment standards for such vehicles.

LEGISLATIVE BILL 739. By Bereuter, 24th District.

A BILL FOR AN ACT to amend section 49-701, Reissue Revised Statutes of Nebraska, 1943, relating to law; to rename the office of Revisor of Statutes as the division of Statute Revision and Legal Services; to provide for the office of Legislative Legal Counsel within such division; to prescribe duties and responsibilities; and to repeal the original section.

ADJOURNMENT

At 4:01 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, January 13, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

FIFTH DAY—JANUARY 13, 1976

FIFTH DAY—JANUARY 13, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 13, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett Hezmall, Associate Pastor, Westminster Church, Lincoln.

> Lord God, our Father, who knows the burdens and cares of our hearts, we offer this prayer in memorial to the citizens of one of our spendid cities in Nebraska--the city of Fremont.
>
> We especially ask that you would comfort the families of those whose lives were taken in the recent tragedy. Comfort them, O Lord, with your divine Spirit of Comfort. Assuage the grief in the hearts of those who feel the loss most deeply and in the hearts of all the citizens of Fremont, granting them to know the sympathy, love and concern by so many throughout our state.
>
> Grant your healing Spirit to give renewed courage, in inward faith in your Eternal Kingdom, and hope that rebuilds life. We pray also for this legislative assembly, concerned with so many live issues affecting our people. Endue them with wisdom, and courage to do the right as they see the right, to the end that we may have a better future. In the Spirit of the Master. Amen.

ROLL CALL

The roll was called and all the members were present except Messrs. Mahoney and Johnson who were excused; Mr. Barnett who was excused until 10:00 a.m.; Messrs. DeCamp and F. Lewis who were excused until they arrive; and Mr. Schmit who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 179, line 22, delete "1195" and insert "1197".
The Journal for the Fourth Day was approved as corrected.

NOTICE OF COMMITTEE HEARING
Banking, Commerce & Insurance

LB 638	Tuesday, January 20, 1976,	Room 2230	2:00 p.m.
LB 649	Tuesday, January 20, 1976,	Room 2230	2:00 p.m.
LB 704	Tuesday, January 20, 1976,	Room 2230	2:00 p.m.

(Signed) J. R. Murphy, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 740. By Nichol, 48th District.

A BILL FOR AN ACT relating to counties; to provide that certain counties may require payment of an annual registration fee for motor vehicles.

LEGISLATIVE BILL 30A. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; F. Lewis, 45th District; Stull, 49th District; Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 30, Eighty-fourth Legislature, First Session, 1975.

SELECT FILE

LEGISLATIVE BILL 386. E & R amendments found in the Journal on page 169 for the Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 536. E & R amendments found in the Journal on page 169 for the Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 329. E & R amendments found in the Journal on page 170 for the Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 275. E & R amendments found in the Journal on page 170 for the Fourth Day were adopted.

The Clark amendment found in the Journal on page 149 for the Third Day is pending.

Bracketed at the request of Mr. Luedtke.

LEGISLATIVE BILL 487. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 586. E & R amendment found in the Journal on page 170 for the Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 569. E & R amendments found in the Journal on page 170 for the Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 485. Advanced to E & R for Engrossment.

Mr. Dworak moved to return LB 485 to Select File to adopt the E & R amendments. The motion prevailed.

E & R amendment found in the Journal on page 170 for the Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 7. Mr. Goodrich offered the following amendment:

AMENDMENT to L.B. 7

Amend Simpson amendment on page 267 of the Journal as follows:

1. In line 2 after "received" insert "by a landlord who maintains more than five apartments, whether in one structure or several structures,"; in the second line 7 after "account" insert "and shall contain all such security deposits received by the landlord".

Mr. Fowler asked unanimous consent to bracket LB 7 until January 29, 1976.

LEGISLATIVE BILL 394. Bracketed at the request of Mr. Murphy.

LEGISLATIVE BILL 409. Bracketed until January 19, 1976 at the request of Mr. Carsten.

LEGISLATIVE BILL 425. Advanced to E & R for Engrossment.

MOTION—Return LB 425 to Select File

Mr. Chambers moved to return LB 425 to Select File for the following specific amendment:

Amend LB 425 to require notice to be sent by certified mail with return receipt requested.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 425. The Chambers specific amendment found in this day's Journal was renewed.

Mr. Chambers moved for a Call of the House. The motion prevailed with 25 ayes, 1 nay and 23 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed.

The Chambers amendment was adopted with 25 ayes, 10 nays and 14 not voting.

Advanced to E & R for Engrossment.

ATTORNEY GENERAL'S OPINION

Opinion No. 156
January 12, 1976

Dear Senator Burbach:

In your letter of December 23, 1975, you enclose a copy of a proposed bill, which would amend sec. 66-620, R.R.S. 1943, to read as follows:

> "The monthly tax return shall be accompanied by remittance covering the tax due on special fuels, as provided by Section 66-605, delivered during the preceding month into the fuel supply tank or tanks of any motor vehicle. A special fuel dealer is relieved from the liability to collect and remit tax on special fuel sales represented by accounts receivable which are delinquent for a period of ninety days or longer. If the special fuel dealer has previously paid the amount of the tax, he may, under rules and regulations prescribed by the Motor Fuel Tax Administrator, take a credit in such amount on the monthly return made after the

> account receivable becomes delinquent. If such accounts receivable are thereafter, in whole or in part, collected, any gallons of fuel represented by the amounts collected shall be included in the first monthly return filed after such collection and the amount of the tax thereon remitted."

In determining whether there are any constitutional problems with respect to this bill, we must first determine who the taxpayer is under the Special Fuel Tax Act, secs. 66-601 to 66-640, R.R.S. 1943. If the special fuel dealer is considered to be simply the collector of the tax, and the taxpayer is the ultimate consumer, we see no particular problem with the bill, as a constitutional matter. To provide that the collector of taxes, who remits the tax to the state, shall be given credit for taxes which he has remitted, but not collected, can certainly present no constitutional problems. However, if the special fuel dealer is considered to be the taxpayer, and the taxable event is the placing of the fuel in the ultimate consumer's tank, there might be an argument made that the taxable event has taken place, and the taxpayer is liable for the tax, and that he should not be excused from such liability for failure to collect a debt from a third party. An argument could be made that this would amount to commutation of taxes, in violation of Article VIII, Section 4 of the Nebraska Constitution.

A case could be made for the argument that the special fuel dealer is the taxpayer. We believe that the language of the Special Fuel Tax Act is not completely consistent, and that in some cases the dealer is referred to as a taxpayer, and in others as a collector. For example, in section 66-618, in speaking of the special fuel dealer, reference is made to "his liability for the tax." Later, in the same section, provision is made for the granting to "a taxpayer" reasonable extentions of time for filing. Section 66-624 refers to "the tax liability of the special fuel dealer." Section 66-625 speaks of a special fuel dealer filing a false or fraudulent return, with the intent to evade all or any part of the tax. All of these sections give the impression that the special fuel dealer is the taxpayer. This would be consistent with sections 66-601 and 66-602, which descibe the taxable event as being the receipt, delivery, or placing into the fuel tanks of motor vehicles of the special fuel dealt with by that act.

However, other sections of the act treat the special fuel dealer as the collector of the tax. For example, section 66-605 provides that the tax, with respect to all special fuels delivered by a special fuel dealer into supply tanks of motor vehicles in this state shall attach at the time of such delivery and shall be collected by such dealer and paid over to the Motor Fuel Tax Administrator. Section 66-605.01 provides for a commission to be withheld by the special fuel dealer for the expense of collecting and remitting the tax. From a reading of the entire act we have concluded that, in spite of some ambiguity, the special fuel tax dealer is not the taxpayer, but is simply the tax collector. We believe there is no constitutional problem in providing that, in the event he does not collect the tax, he need not remit it, and that if he has already remitted tax to the state on the basis of special fuel delivered, as he is required to do by law, it is perfectly proper to provide for a refund, in the event that he does not actually collect for the fuel delivered. We therefore conclude that there are no constitutional difficulties with the general intent of the bill.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ss
cc: Mr. Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT–Member Excused

Messrs. Simpson, Warner and Barnett asked unanimous consent to be excused at 10:30 a.m. for the balance of the morning. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 574. Mr. Chambers offered the following amendment to the Standing Committee amendments found in the Journal on page 1013 for the Fifty-first Day, First Session:

Amend committee amendment to LB 574: Exempt from the provisions of this bill are hunting, rodeos and training of animals for show

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Standing Committee amendments, as amended,were adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Stoney moved for a Call of the House. The motion prevailed with 27 ayes, 1 nay and 21 not voting.

The Call showed 42 members present.

Mr. Stoney requested a roll call vote on advancing to E & R.

Voting in the affirmative, 29:

Anderson	Bereuter	Burbach	Carsten	Chambers
Cope	Dickinson	Fitzgerald	Fowler	George

Hasebroock Kennedy Keyes Koch Kremer
R. Lewis Luedtke Maresh Marsh Mills
Moylan Rumery Savage Schmit Stoney
Stull Swigart Syas Wiltse

Voting in the negative, 11:

Barnett Clark Duis Dworak Kime
Murphy Nichol Rasmussen Simpson Skarda
Warner

Not voting, 9:

Burrows Cavanaugh DeCamp Goodrich Johnson
Kelly F. Lewis Mahoney Marvel

Advanced to E & R for Engrossment with 29 ayes, 11 nays and 9 not voting.

Mr. Savage moved the Call be raised. The motion prevailed.

NOTICE OF COMMITTEE HEARING

Revenue

LB 675	Wednesday, January 21, 1976	2:00 p.m.
LB 720	Wednesday, January 21, 1976	2:00 p.m.

(Signed) Calvin F. Carsten, Chairman

Appropriations

Monday, January 19, 1976

1:30 - 1:45	LB 676
1:45 - 2:15	LB 683 and LB 684
2:15 - 2:30	LB 682
2:30 - 3:30	Department of Correctional Services
3:30 - 4:15	Department of Public Welfare
4:15 - 5:00	Department of Public Institutions

Tuesday, January 20, 1976

1:30 - 2:00	State Patrol
2:00 - 2:15	Arts Council (LB 691)
2:15 - 3:30	University of Nebraska (LB 690)
3:30 - 4:00	Equal Opportunity Commission (LB 691)
4:00 - 4:15	State Claims Board (LB 691)
4:15 - 4:45	Department of Roads (LB 691)
4:45 - 5:00	Department of Economic Development (LB 691)

Wednesday, January 21, 1976

1:45 - 2:30	Department of Administrative Services
2:30 - 3:00	Department of Motor Vehicles
3:15 - 3:45	Game and Parks Commission
3:45 - 4:30	L E A A

Thursday, January 22, 1976

1:30 - 2:00	Executive Session
2:00 - 2:30	Department of Personnel
2:30 - 3:30	Department of Education
3:45 - 4:30	Department of Revenue

Monday, January 26, 1976

1:30 - 2:15	Public Service Commission
2:15 - 3:15	Department of Agriculture
3:15 - 5:00	State Colleges (LB 690)

Tuesday, January 27, 1976 (LB 691)

1:30 - 2:00	Executive Session
2:00 - 2:45	Supreme Court
2:45 - 3:00	Attorney General
3:00 - 3:30	State Treasurer
3:30 - 4:00	Pardons Board
4:00 - 4:30	Secretary of State
4:30 - 5:00	State Auditor

Wednesday, January 28, 1976

1:30 - 3:15	University of Nebraska (LB 690)
3:15 - 4:00	Educational Television Commission (LB 691)
4:00 - 4:30	Historical Society (LB 691)

(Signed) Richard D. Marvel, Chairman

Constitutional Revision and Recreation

LB 717	Thursday, January 22, 1976	1:30 p.m.

(Signed) George Syas, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 741. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 71-3818, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of psychology; to provide for certification to practice clinical psychology as prescribed; to provide duties of the board; to provide for fees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 742. By Cope, 36th District.

A BILL FOR AN ACT to amend sections 71-4604.01, 71-4606, and 71-4608, Revised Statutes Supplement, 1975, relating to public health and welfare; to remove the requirement that all mobile homes and recreational vehicles ahve a certifying seal as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 743. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Marsh, 29th District; Bereuter, 24th District; Savage, 10th District; Stull, 49th District; Simpson, 46th District; Johnson, 15th District.

A BILL FOR AN ACT to provide for the payment of the salaries of the officers of the Nebraska state government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1977; to provide for the payment thereof; and to declare an emergency.

UNANIMOUS CONSENT—Print in Journal

Mr. Burbach asked unanimous consent to print the following amendments to LB 382 in the Journal. No objections. So ordered.

AMENDMENT TO LB 382

1. On page 2, insert a new section as follows:

"Section 1. That section 77-2716, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2716. (1) There shall be subtracted from federal taxable income interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States; Provided, that the amount subtracted under the provisions of this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection, and by any expenses incurred in the production of interest or divident income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(2) There shall be added to or subtracted from federal taxable income, as the case may be, the taxpayer's share of the fiduciary adjustment determined under the provisions of section 77-2720.

(3) There shall be subtracted from the federal taxable income of a member or patron of a cooperative, the portion of a patronage dividend allocated to such members or patrons by a cooperative which constitutes a qualified notice of allocation that is not paid in money and that is not deductible by the cooperative under subsection (2) of section 77-2734.".

2. On page 3, lines 13 and 14, reinstate the stricken matter and strike the new matter; line 21 after "of", strike "prior years' " and insert "~~prior years'~~ a qualified or".

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

4. On page 6, line 1, after "section" insert "77-2716, Reissue Revised Statutes of Nebraska, 1943, and section"; line 2 strike "is" and insert "are".

5. In the title, line 2, after "section" insert "77-2716, Reissue Revised Statutes of Nebraska, 1943, and section"; line 4 after ";" insert "to provide income tax adjustments for cooperative patrons;".

UNANIMOUS CONSENT—Unbracket General File Bills

Speaker Burbach asked unanimous consent to unbracket all bills on General File that are bracketed for a date uncertain. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 180A. Bracketed at the request of Speaker Burbach until January 28, 1976.

LEGISLATIVE BILL 202. Bracketed at the request of Speaker Burbach until January 29, 1976.

LEGISLATIVE BILL 210. Bracketed until March 31, 1976 at the request of Mr. Dickinson.

LEGISLATIVE BILL 225. Bracketed until Friday, January 16, 1976 at the request of Mr. Kelly.

LEGISLATIVE BILL 275A. Bracketed until March 31, 1976 at the request of Mr. Luedtke.

LEGISLATIVE BILL 280. Bracketed until March 31, 1976 at the request of Mr. Luedtke.

LEGISLATIVE BILL 310. Bracketed until January 16, 1976, Friday, at the request of Mr. Dworak.

LEGISLATIVE BILL 348. Bracketed until January 20, 1976 at the request of Mr. Wiltse.

LEGISLATIVE BILL 382. Bracketed until January 15, 1976 at the request of Mr. Duis.

LEGISLATIVE BILL 388. Bracketed until January 20, 1976 at the request of Mr. Stull.

UNANIMOUS CONSENT—Member Excused

Mr. Schmit asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 444. Bracketed until February 15, 1976 at the request of Mr. Fowler.

LEGISLATIVE BILL 445. Bracketed until January 14, 1976 at the request of Mr. Fowler.

LEGISLATIVE BILL 455. Considered.

Mr. Anderson moved to indefinitely postpone.

The motion prevailed with 21 ayes, 0 nays and 28 not voting.

LEGISLATIVE BILL 488. Bracketed until January 27, 1976 at the request of Mr. Syas.

LEGISLATIVE BILL 565. Bracketed until January 20, 1976 at the request of Mr. Fowler.

LEGISLATIVE BILL 590. Bracketed until March 8, 1976 at the request of Mr. Murphy.

LEGISLATIVE BILL 597. Bracketed until March 31, 1976 at the request of Mr. Marvel.

NOTICE OF COMMITTEE HEARINGS

Public Health and Welfare

LB 694	Tuesday, January 20, 1976	1:30 p.m.
LB 716	Tuesday, January 20, 1976	1:30 p.m.
LB 65	Tuesday, January 20, 1976	1:30 p.m.

(Signed) Thomas C. Kennedy, Chairman

GENERAL FILE

LEGISLATIVE BILL 614. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 615. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 616. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 617. Title read. Considered.

Advanced to E & R for Reivew with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 618. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 619. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 620. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 621. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 622. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

NOTICE OF COMMITTEE HEARING
Labor

LB 677	Wednesday, January 28th, 1976	2:00 p.m.
LB 710	Wednesday, January 21st, 1976	2:00 p.m.

(Signed) Richard Maresh, Chairman

NOTICE OF COMMITTEE HEARINGS
Rules

January 9, 1976

MEMO TO: All Members of the Legislature
FROM: Senator John DeCamp, Chairman, Rules Committee

We have scheduled a meeting of the Rules Committee on Thursday, January 15, 1976, at 12:30 p.m. in Room 1019. We will be discussing the area of personal privilege. The Committee would welcome your remarks -- either at the meeting or by a written statement.

(Signed) John DeCamp, Chairman

GENERAL FILE

LEGISLATIVE BILL 219. Title read. Considered.

Standing Committee amendment found in the Journal on page 934 for the Forty-seventh Day, First Session, was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 499. Title read. Considered.

Mr. Kelly moved to bracket until January 20. The motion prevailed with 25 ayes, 4 nays and 20 not voting.

LEGISLATIVE BILL 545. Considered.

Standing Committee amendment found in the Journal on page 955 for the Forty-eighth Day, First Session, was considered.

Mr. Dickinson offered the following amendment to the Standing Committee amendment:

Amend Committee amendment from $5,000 to $2,000.

The amendment was adopted with 18 ayes, 13 nays and 18 not voting.

The Standing Committee amendments were adopted as amended with 26 ayes, 0 nays and 23 not voting.

Mr. Kennedy offered the following amendment:
1. On page 2 lines 6 and 17 strike "superintendent" and insert "~~superintendent~~ administrator".

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Duis asked unanimous consent to be excused Wednesday afternoon, January 14, 1976. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

LB 686	Thursday, January 22, 1976	1:30 p.m.
LB 689	Thursday, January 22, 1976	1:30 p.m.
LB 693	Thursday, January 22, 1976	1:30 p.m.
LB 696	Thursday, January 22, 1976	1:30 p.m.
LB 698	Friday, January 23, 1976	1:30 p.m.
LB 699	Friday, January 23, 1976	1:30 p.m.
LB 705	Friday, January 23, 1976	1:30 p.m.
LB 709	Friday, January 23, 1976	1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

VISITORS

The President introduced 45 eighth grade students and teacher from Cathedral of the Risen Christ School, Lincoln.

ADJOURNMENT

At 11:44 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Wednesday, January 14, 1976.

Vincent D. Brown
Clerk of the Legislature

SIXTH DAY—JANUARY 14, 1976

LEGISLATIVE JOURNAL

SIXTH DAY—JANUARY 14, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 14, 1976

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Evertt F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> O God our Father, history and experience have given us many evidences of thy guidance to nations and communities and to individuals.
>
> Give us faith to believe that when you want us to do or not to do a particular thing you have a way of showing us. Give us faith to believe that you will guide us today here where we labor, and in the decisions we make, if we are willing to be led of You, so your will and blessing may be done through us for the good of others in our state and in our nation. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Mahoney who was excused and Mr. George who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

MESSAGE FROM THE SECRETARY OF STATE

January 5, 1976

Colonel C. P. Karthauser
Nebraska State Patrol
So. Jct. U.S. 77, N-2
Lincoln, Nebraska

Re: 48th District - Recount, Court Case, Ballots

Dear Colonel Karthauser:

In the United States District Court for the District of Nebraska there was a lawsuit, Jesus Jose Porras, et al, Plaintiffs, vs. William E. Nichol, et al, Defendants (Terry Carpenter Recount). On December 12, 1975, the Honorable Warren K. Urbom, Chief Judge, issued an Order (CV 75 - L - 45) the substance of which is as follows: "IT HEREBY IS ORDERED that the motions to dismiss, filings 9, 10, 11, 12, 13 and 24, are granted, the request for the convening of a three-judge court is denied, and the action is dismissed for want of jurisdiction."

The Secretary of State has in his custody the ballots from Scotts Bluff County (48th Legislative District). Said ballots are contained in twenty-seven steel cases sealed and numbered as per attached sheet.

It is hereby requested that you assign an appropriate number of patrolmen to pick up the ballot box cases at the Secretary of State's office, Suite 2300, State Capitol, Lincoln, Nebraska and deliver them to Melvin Maxwell, Scotts Bluff County Clerk, Court House, Gering, Nebraska. Said ballot box cases should be picked up at 9:00 a.m. on Wednesday, January 14, 1976, and delivered to the Scotts Bluff Court House by 5:00 p.m. same day.

Mr. Melvin Maxwell has been notified of the date and appropriate time of arrival of the ballot cases and will be at the courthouse to receive and receipt for the ballot cases being delivered by the Nebraska State Patrol. A receipt letter will be tendered to the patrolmen when they arrive at the Secretary of State's office so that they can sign for the twenty-seven ballot cases. A receipt letter will also be sent to Mr. Melvin Maxwell so that he can sign for the delivery of the cases in Gering at the Courthouse. When the patrolmen arrive back in Lincoln after having made delivery, and after having obtained Mr. Maxwell's signature of receipt, they should (at earliest convenience) tender the receipt to the Secretary of State's office.

Your continued fine cooperation in this regard is certainly appreciated. Thanks to you and your fine patrolmen.

Respectfully requested,

(Signed) Allen J. Beermann
Secretary of State

cc: Terry Schaff, Attorney General's office
Jack Rodgers, Legislative Council
Vincent Brown, Clerk of Legislature

Box No. 1	Seal No. 0018429	Box No. 15	Seal No. 0018568
Box No. 2	Seal No. 0018560	Box No. 16	Seal No. 0018598
Box No. 3	Seal No. 0018498	Box No. 17	Seal No. 0018505
Box No. 4	Seal No. 0018591	Box No. 18	Seal No. 0018531
Box No. 5	Seal No. 0018526	Box No. 19	Seal No. 0018462
Box No. 6	Seal No. 0018476	Box No. 20	Seal No. 0077690
Box No. 7	Seal No. 0018510	Box No. 21	Seal No. 0018519
Box No. 8	Seal No. 0018402	Box No. 22	Seal No. 0018437
Box No. 9	Seal No. 0018415	Box No. 23	Seal No. 0018405
Box No. 10	Seal No. 0018511	Box No. 24	Seal No. 0018409
Box No. 11	Seal No. 0018514	Box No. 25	Seal No. 0018419
Box No. 12	Seal No. 0018478	Box No. 26	Seal No. 0018512
Box No. 13	Seal No. 0018427	Box No. 27	Seal No. 0035383
Box No. 14	Seal No. 0018595		

COMMUNICATIONS

January 7, 1976

Dear Mr. Brown:

Enclosed find our most recent list of individual bonds for State officials and employees. All individuals occupying positions other than those listed are covered by the State's $1,000,000 blanket bond.

This information is being filed with your office pursuant to Section 11-203 R.R.S. 1943.

Please feel free to contact this office should you have any questions in this regard.

Very truly yours,
(Signed) E. BENJAMIN NELSON
Director of Insurance

AEW/cv
Enclosure

Report on file in the Clerk's office.

January 12, 1976

Dear Mr. Brown:

We are enclosing a report on our Advertising Control Program for 1975 for submittal to the Legislature, pursuant to Section 39-1320.01 (.02) (.03) R.R.S. 1943.

Sincerely,
DEPARTMENT OF ROADS
(Signed) Thomas D. Doyle
Director-State Engineer

TDD/jp
Enclosure

ADVERTISING CONTROL DATA 1975

The following data is accurate through November 30, 1975, and estimated for the month of December 1975.

In 1975 there were approximately 4,384 signs removed including those purchased on right of way projects, from seven sign companies, plus abandoned, illegal, nominal value and wind damaged signs.

The total cost of the above signs, including State and Federal funds is:

$840,000.00

This figure includes appraisals, review of appraisals, advertising control, sign removal, condemnation proceedings, equipment, supplies and miscellaneous overhead. Where applicable, this includes payment to the sign owner and site owner.

ANTICIPATED SIGN REMOVAL FOR 1976

The estimated total expenditures for the sign removal program in calendar year 1976 is:

$800,000.00

The Federal share is $600,000.00 and the State's share is $200,000.00.

REFERENCE COMMITTEE REPORT

January 13, 1976

Mr. President:

The Legislative Council Executive Board respectfully request that Legislative Bills No. 724 through 743 be referred to standing committees as per the attached listing.

(Signed) Wally Barnett, Vice Chairman; John S. Savage; J. W. Burbach; Richard Lewis, R. D. Kelly; Loran Schmit and John Cavanaugh.

This listing also includes LB 30A and Legislative Resolution No. 106.

LB	Committee
724	Public Works
725	Revenue
726	Education
727	Gov. Mil. & Vets Afrs
728	Revenue
729	Revenue
730	Revenue
731	Revenue
732	Misc. Subjects
733	Education
734	Pub. Hlth & Wel.
735	Pub. Hlth & Wel.
736	Gov. Mil. & Vets Afrs
737	Cons. Rev. & Rec.
738	Public Works
739	Judiciary
30A	Appropriations
740	Gov. Mil. & Vets Afrs
741	Pub. Hlth & Wel.
742	Pub. Hlth & Wel.
743	Appropriations
LR 106	Cons. Rev. & Rec.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

LB 698	Friday, January 23, 1976, Room 1019	1:30 p.m.
LB 182	Thursday, January 29, 1976 (Rehearing)	1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

Agriculture and Environment

LB 715	Friday, January 23, 1976, East Senate Lounge	1:30 p.m.
LB 721	Friday, January 23, 1976, East Senate Lounge	1:30 p.m.
LB 722	Friday, January 23, 1976, East Senate Lounge	1:30 p.m.

(Signed) Loran Schmit, Chairman

REPORT

Mr. Duis presented a 1975 report of the Administrative Rules and Regulations Committee and the Revisor of Regulations to all members of the Legislature. Copy on file in the Clerk's office.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 744. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Nichol, 48th District; Barnett, 26th District; Syas, 13th District; Anderson, 37th District.

A BILL FOR AN ACT to adopt the Nebraska Crime Victim's Reparations Act; and to provide an operative date.

LEGISLATIVE BILL 745. By Judiciary Committee: Luedtke, 28th District, Chairman; Nichol, 48th District; Barnett, 26th District; Schmit, 23rd District; Anderson, 37th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 20-107, 20-108, 20-109, 20-110, 20-114, 20-117, 20-118, 20-119, and 20-121, Reissue Revised Statutes of Nebraska, 1943, relating to civil rights; to provide that acts of discrimination based upon sex or marital status shall be unlawful; to change internal references to apply to both sexes; to amend procedures for submitting complaints as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 746. By Judiciary Committee: Luedtke, 28th District, Chairman, DeCamp, 40th District; Schmit, 23rd District; Barnett, 26th District; Syas, 13th District; Anderson, 37th District.

A BILL FOR AN ACT relating to the Department of Justice; to create the office of Prosecutor Services within the department; to provide duties; to specify eligibility; and to create the Commission on Prosecutor Serices.

LEGISLATIVE BILL 747. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Schmit, 23rd District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT to amend sections 42-102, 42-367, 42-501, 42-503, 42-618, 42-619, 42-770, and 42-7,101, Reissue Revised Statutes of Nebraska, 1943, relating to husband and wife; to provide that the legal age of marriage shall be seventeen; to make internal references applicable to either sex; and to repeal the original sections.

LEGISLATIVE BILL 748. By Judiciary Committee: Luedkte, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Schmit, 23rd District; Nichol, 48th District; Anderson, 37th District; Syas, 13th District.

A BILL FOR AN ACT to adopt the Nebraska Restitution Employment Furlough Act.

LEGISLATIVE BILL 749. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Schmit, 23rd District; Nichol, 48th District; Anderson, 37th District; Syas, 13th District.

A BILL FOR AN ACT to amend section 21-2216, Reissue Revised Statutes of Nebraska, 1943, relating to professional corporations; to change the requirements to be considered by the regulating board prior to issuing a certificate of registration; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 750. By Judiciary Committee: Luedtke, 28th District, Chairman; Barnett, 26th District; Anderson, 37th District; Schmit, 23rd District; Nichol, 48th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 25-1228, Reissue Revised Statutes of Nebraska, 1943, relating to subpoenas; to provide for subpoenas issued at the request of any agency of state government; and to repeal the original section.

LEGISLATIVE BILL 751. By Judiciary Committee: Luedkte, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Schmit, 23rd District; Anderson, 37th District.

A BILL FOR AN ACT to amend sections 48-1102, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1116, 48-1117, 48-1118, 48-1119, and 48-1120, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Fair Employment Practice Act; to define terms; to amend references to apply to both sexes; to provide that the Equal Opportunity Commission may become a party to court action; to confer additional powers on the commission; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 752. By Education Committee: F. Lewis, 45th District, Chairman; Rumery, 42nd District; Fitzgerald, 14th District; Koch, 12th District; George, 16th District;

A BILL FOR AN ACT to amend section 2, Legislative Bill 610, Eighty-fourth Legislature, First Session, 1975, as amended by section 34, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, relating to appropriations; to increase appropriations to the State Department of Education; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 753. By Education Committee: F. Lewis, 45th District, Chairman; Rumery, 42nd District; Fitzgerald, 14th District; Koch, 12th District; George, 16th District.

A BILL FOR AN ACT to amend section 2, Legislative Bill 610, Eighty-fourth Legislature, First Session, 1975, as amended by section 34, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, relating to appropriations; to restore cuts in appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 754. By Education Committee: F. Lewis, 45th District, Chairman; Rumery, 42nd District; Fitzgerald, 14th District; Koch, 12th District; George, 16th District.

A BILL FOR AN ACT to amend sections 43-649 and 43-650, Reissue Revised Statutes of Nebraska, 1943, and section 43-625, Revised Statutes Supplement, 1974, relating to education of handicapped children; to restrict the designation of teacher aides; to redefine a term; to change the projection of needs requirement; to eliminate the requirement for biennial review; and to repeal the original sections.

LEGISLATIVE BILL 755. By Education Committee: F. Lewis, 45th District, Chairman; Rumery, 42nd District; Fitzgerald, 14th District; Koch, 12th District; George, 16th District.

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1974, relating to schools; to restrict state liability for tuition payments; and to repeal the original section.

LEGISLATIVE BILL 756. By Education Committee: F. Lewis, 45th District, Chairman; Rumery, 42nd District; Ftizgerald, 14th District; Koch, 12th District; George, 16th District.

A BILL FOR AN ACT to amend section 2, Legislative Bill 610, Eighty-fourth Legislature, First Session, 1975, as amended by section 34, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, relating to appropriations; to rearrange cutsin appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 757. By Education Committee: F. Lewis, 45th District, Chairman; Rumery, 42nd District; Fitzgerald, 14th District; Koch, 12th District; George, 16th District.

A BILL FOR AN ACT to amend section 79-1007, Reissue Revised Statutes of Nebraska, 1943, and section 79-501, Revised Statutes Supplement, 1974, relating to schools; to make the fiscal year of all school districts uniform; and to repeal the original sections.

LEGISLATIVE BILL 758. By Education Committee: F. Lewis, 45th District, Chairman; Rumery, 42nd District; Fitzgerald, 14th District; Koch, 12th District; George, 16th District.

A BILL FOR AN ACT to amend section 79-1345, Reissue Revised Statutes of Nebraska, 1943, relating to the State Department of Education Trust Fund; to provide for an emergency cash fund and its source and use; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 759. By Warner, 25th District.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to provide methods for signing certificates on bonds.

LEGISLATIVE BILL 760. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 79-1801, 79-1801.01, 79-1803, 79-1807, 79-1809, 79-1810, 79-1812, 79-1813, 79-1814, 79-1816, 79-1820, 79-1821, and 79-1823, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to redesignate schools as vocational or correspondence; to provide retaliatory fee and bonding requirements; to provide for granting of associate degrees; to require accreditation; to provide for a probationary license; to provide exemptions; to define terms; and repeal the original sections, and also section 79-1819, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 761. By Education Committee: F. Lewis, 45th District, Chairman; Fitzgerald, 14th District; Kime, 43rd District; Rumery, 42nd District; Kremer, 34th District; Burrows, 30th District; Koch, 12th District.

A BILL FOR AN ACT to amend sections 43-643, 43-645, 43-646, 43-651, and 43-652, Reissue Revised Statutes of Nebraska, 1943, sections 43-604, 43-607, 43-625, and 43-642, Revised Statutes Supplement, 1974, and section 43-648, Revised Statutes Supplement, 1975, as amended by section 1, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, relating to the care and education of handicapped children; to define terms; to change provisions relating to transportation expenses; to provide duties of the State Board of Education; to change funding provisions as prescribed; to provide that individuals to age twenty-one may receive services; to create the Special Education Appeal Board; to provide duties of such board; to provide for investigations and hearings; to provide for severability; and to repeal the original sections, and also section 43-616.01, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 762. By Maresh, 32nd District.

A BILL FOR AN ACT to amend sections 79-2638, 79-2646, and 79-2662, Revised Statutes Supplement, 1975, relating to technical community colleges; to create seven technical community college areas; to provide for the appointment and election of new boards; provide for the transfer of assets; to provide that electors determine whether to increase or decrease the number of colleges within an area; to provide that minutes of board meetings be public information; and to repeal the original sections.

LEGISLATIVE BILL 763. By Savage, 10th District.

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1975, relating to building and loan associations; to provide the same advantages as federal savings and loan associations; and to repeal the original section.

LEGISLATIVE BILL 764. By Bereuter, 24th District.

A BILL FOR AN ACT to amend sections 71-4802, 71-4804, 71-4807, and 71-4810, Reissue Revised Statutes of Nebraska, 1943, relating to the

Uniform Anatomical Gift Act; to provide that the next of kin may not revoke a donation; to provide when a person may make a gift; to provide limitations on physicians as prescribed; to provide provisions relating to funeral directors and morticians; and to repeal the original sections.

LEGISLATIVE BILL 765. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 48-816, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to provide that public employees need not recognize supervisors in employee negotiating units; and to repeal the original section.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 362. Indefinitely postponed.
LEGISLATIVE BILL 506. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 105 and LR 109.

UNANIMOUS CONSENT—Member Excused

Mr. Kime asked unanimous consent to be excused at 10:20 a.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 204. Mr. DeCamp asked unanimous consent to bracket LB 204. No objections. So ordered.

LEGISLATIVE BILL 383. Mr. Kremer asked unanimous consent to bracket LB 383 to January 23, 1976. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 339. Title read. Considered.

Mr. Cope renewed his amendment found in the Journal on page 171 for the Fourth Day.

Mr. F. Lewis offered the following amendment to the Cope amendment:
On page 2, strike line 7 after and; strike line 8, 9, 10, 11 and 12; line 3, page 2, strike "shall" insert "may".

The F. Lewis amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Maresh offered the following amendment to the Cope amendment:

Sec. 12 in line 18 before "three" insert twenty and after "collected" insert: 20% of which shall be remitted to the Dept. of Revenue to be used for state wide tourism promotion and the remaining 3% to be used.

The Maresh amendment lost with 11 ayes, 20 nays and 18 not voting.

The Cope amendment, as amended, was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Cavanaugh moved to indefinitely postpone.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 15 nays and 10 not voting.

Mr. Cope requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 16:

Barnett Bereuter Burbach Burrows Cavanaugh
Dworak Fitzgerald Fowler Luedtke Maresh
Marvel Mills Murphy Rasmussen Skarda
Warner

Voting in the negative, 21:

Anderson Carsten Cope Dickinson George
Hasebroock Johnson Keyes Koch Kremer
F. Lewis Marsh Moylan Nichol Rumery
Savage Stoney Stull Swigart Syas
Wiltse

Not voting, 12:

Chambers Clark DeCamp Duis Goodrich
Kelly Kennedy Kime R. Lewis Mahoney
Schmit Simpson

The motion lost with 16 ayes, 21 nays and 12 not voting.

Mr. Cavanaugh offered the following amendment:
Sec 2 strike resolution of governing body - add vote of people.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nays and 19 not voting.

Mr. Cavanaugh requested a record vote on his amendment.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 22 ayes, 19 nays and 8 not voting.

The Call showed 47 members present.

Mr. Cavanaugh requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Barnett
Bereuter
Burrows
Carsten
Cavanaugh
Chambers
Clark
DeCamp
Dworak
Fitzgerald
Fowler
Goodrich
Kennedy
R. Lewis
Maresh
Marvel
Mills
Murphy
Nichol
Rasmussen
Schmit
Skarda
Warner

Voting in the negative, 24:

Anderson
Burbach
Cope
Dickinson
Duis
George
Hasebroock
Johnson
Kelly
Keyes
Koch
Kremer
F. Lewis
Luedtke
Marsh
Moylan
Rumery
Savage
Simpson
Stoney
Stull
Swigart
Syas
Wiltse

Not voting, 2:

Kime
Mahoney

The amendment lost with 23 ayes, 24 nays and 2 not voting.

Mr. Burbach moved the Call be raised. The motion prevailed.

Mr. Fitzgerald offered the following amendment:
Strike $6 and insert $10.00 on page 2 line 27 Sec. 3 (1)

Mr. Cope offered the following amendment to the Fitzgerald amendment:
I amend Fitzgerald to $9.

The Cope amendment was adopted with 23 ayes, 5 nays and 21 not voting.

Mr. F. Lewis moved for a Call of the House. The motion lost with 16 ayes, 16 nays and 17 not voting.

The Fitzgerald amendment, as amended, lost with 21 ayes, 20 nays and 8 not voting.

Mr. Cope moved to advance to E & R for Review.

Mr. Cope moved for a Call of the House. The motion prevailed with 21 ayes, 19 nays and 9 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

Mr. Cope requested a record vote on advancing.

Voting in the affirmative, 26:

Anderson Carsten Cope DeCamp Dickinson
George Goodrich Hasebroock Johnson Keyes
Koch Kremer F. Lewis R. Lewis Luedtke
Marsh Moylan Nichol Rumery Savage
Simpson Stoney Stull Swigart Syas
Wiltse

Voting in the negative, 17:

Barnett Bereuter Burbach Burrows Cavanaugh
Clark Dworak Fitzgerald Kennedy Maresh
Marvel Mills Murphy Rasmussen Schmit
Skarda Warner

Not voting, 6:

Chambers Duis Fowler Kelly Kime
Mahoney

Advanced to E & R for Review with 26 ayes, 17 nays and 6 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 108. Read and considered.

Mr. Clark offered the following amendment to LR 108.

Add to page 2 after display "provided same is privately financed".

The amendment was adopted with 25 ayes, 4 nays and 20 not voting.

Mr. Luedtke offered the following amendment to LR 108.
Strike the second resolve of LR 108.

Mr. Mills moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays and 19 not voting.

The Luedtke amendment was adopted with 25 ayes, 5 nays and 19 not voting.

Mr. Warner offered the following amendment to LR 108.
Amend first resolve: "The Legislature, joins with the Governor, in accepting on behalf of the citizens etc."

The amendment was adopted with 27 ayes, 1 nay and 21 not voting.

LR 108 was adopted, as amended, with 25 ayes, 14 nays and 10 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Marvel asked unanimous consent to be excused this afternoon. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 155
January 13, 1976

Dear Senator DeCamp:

In your letter of January 9, 1976, you ask for our opinion as to the constitutional validity of LB 565. This bill would amend section 23-381, R.R.S. 1943, to read as follows:

> "The county board may levy a tax sufficient to cover the contributions required to be made and such levy shall not be included in determining the maximum levy that a county is authorized to impose. The county board shall have the discretion to exclude from such levy all property within the limits of any city, village, or township in the county."

Your particular question is directed to the validity of the present provision of this section excluding the levy in question from the maximum authorized levy for a county. In a letter from this office dated December 28, 1972, to the Clerk of the Legislature, we stated that we would not give an opinion to an individual senator on the constitutionality of a bill which has already become law. This letter is found in Volume I of the 1973 Legislative Journal, at page 36. Since the provision you inquire about is already a part of our statutes, the policy stated in our 1972 letter prevents our answering the specific question you ask. We do, however, call your attention to Article VIII, Section 5 of the Nebraska Constitution. If there is a conflict between this section and the statutory provision, the constitutional provision will, of course, prevail.

As to the constitutionality of the amendatory portion of LB 565, we have serious doubt about the validity of those provisions. Sections 23-379 to 23-381 authorize a county to purchase, construct, maintain, and improve garbage disposal plants, systems or solid waste disposal areas, for the use of inhabitants of the county and incorporated municipalities located in such county. The statutory scheme appears to make it a countywide function, and there is no indication that a district to perform this function was contemplated. We call your attention to 71 Am.Jur.2d 346, State and Local Taxation, section 6, which states:

> "Taxes proper, or general taxes, proceed upon the theory that the existence of government is a necessity; that it cannot continue without means to pay its expenses; and that for those means it has the right to compel all citizens and property within its limits to contribute. The state demands and receives taxes so that it may be enabled to carry its mandates into effect and perform the functions of government; and the citizen pays from his property the portion demanded in order that he may, by means thereof, be secured in the enjoyment of the benefits of organized society.
>
> "Inherent in the theory underlying general taxation is the factor that for the contributions received the government renders no return or special benefit to any particular property, but only secures to the citizen that general benefit which results from protection to his person and property and the promotion of those various schemes which have for their object the welfare of all. Thus, the general levy of taxes is understood to exact contributions in return for the general benefits of government, and it promises nothing to the person taxed beyond what may be anticipated from an administration of the laws for individual protection and the general public good. Moreover, even though the duty or obligation to pay taxes by the individual is founded in his participation in the benefits arising from their expenditure, this does not mean that a man's property cannot be taxed unless some benefit to him personally can be pointed out."

Special assessments are levied on the basis of the benefits particular lands will derive from the expenditure of the funds raised by the special assessment. General taxes are not. Even though a particular locality, or municipality, may benefit less than other parts of the county from the expenditure of funds, we know of no constitutional authority for exempting any of the property in the county from the levy of taxes for county purposes. The Legislature could provide for the creation of a district to perform the functions envisioned by sections 23-379 to 23-381. In such case, the taxes would be levied only upon the property within that district. However, the Legislature has not done so. To permit the county board to exclude some of the property in the county from this levy might be held to be in violation of several constitutional provisions. The first constitutional provision which comes to mind in this regard is Article VIII, Section 1, which provides that taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises. To levy a tax upon all of the property in the county, except that property located in certain areas designated by the county board might be held to be in violation of the uniformity provision.

Article VIII, Section 2 of the Constitution provides that no property shall be exempt from taxation except as provided in the Constitution. LB 565 would authorize the county board to grant an exemption from this levy to property located in designated cities, villages, or townships in the county. We have found no constitutional provision authorizing such an exemption.

Article VIII, Section 4 of the Constitution provides that, with certain exceptions, the Legislature shall have no power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever. This provision would appear to authorize the county board to release certain selected areas in the county from the imposition of taxes due the county. The provision may be in violation of this section.

In view of the constitutional provisions we have mentioned above, we believe that we would have considerable difficulty in successfully defending the provision in question from constitutional attack.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 585. Placed on General File as amended.
Standing Committee amendment to LB 585:

1. On pages 5 and 6 strike original section 4 and insert:

"Sec. 4. That original section 77-2004, Revised Statutes Supplement, 1975, be amended to read as follows:

77-2004. In the case of a father, mother, husband, wife, child, brother, sister, wife or widow of a son, husband or widower of a daughter, child or children legally adopted as such in conformity with the laws of the state where adopted, any lineal descendant born in lawful wedlock, or any lineal descendant legally adopted as such in conformity with the laws of the state where adopted, or the spouse or surviving spouse of any of those persons mentioned above; or to any person to whom the deceased for not less than ten years prior to death stood in the acknowledged relation of a parent; Provided, that no one shall be considered a person to whom the deceased stood in the acknowledged relation of a parent unless he shall have been a member of the household of the deceased and shall have had his permanent home in the home of the deceased for at least five continuous years during his minority; the rate of tax shall be one per cent of the clear market value of the property in excess of ten thousand dollars received by each person. Any interest in property, including any interest acquired in the manner set forth in section 77-2002, which may be valued at a sum less than ten thousand dollars shall not be subject to tax. In addition the homestead allowance, exempt property, and family maintenance allowance shall not be subject to tax. The intestate succession interest of any spouse regardless of value shall not be subject to tax. Interests passing by will to the surviving spouse or in the manner set forth in section 77-2002 to the extent of the value of the succession interest of the spouse shall not be subject to tax. For the purpose of this section the value of all property acquired in the manner set forth in section 77-2002 shall be considered as a part of the decedent's estate for the purpose of determining the value of the succession interest of a surviving spouse. The amount of the intestate succession interest shall be computed for the purpose of this section without regard to the elective share of a surviving spouse in an augmented estate.".

2. On page 9, line 4 after "All" insert "other"; and in line 27 strike "after the ten-month period" and insert "from the date of the death of the decedent".

3. On page 10, line 1 strike "."; in line 3 strike "In" and insert ", except if the tax is paid within ten months from the date of such death, interest shall not be charged or collected thereon, and in"; in line 10 strike "any estate includes property" and insert "the decedent had"; in line 11 after "received" insert "property"; in line 16 strike "the" and in line 17 after "." insert "Each recipient shall receive a prorated credit based upon such recipient's proportionate share of the total property of the decedent subject to Nebraska inheritance tax.".

4. On page 12 strike lines 22 to 27.

5. On page 13 strike lines 1 to 5; in line 6 strike "(c)" and insert "(b)"; in line 8 after "(i)" strike "," and insert "and" and in line 8 strike ", and (2) (b)".

6. Strike original sections 15 and 16 and insert:

"Sec. 15. That original section 77-2018.02, Revised Statutes Supplement, 1975, be amended to read as follows:

77-2018.02. (1) In the absence of any proceeding brought under Chapter 30, article 24 or 25, in this state, proceedings for the determination of the tax may be instituted in the county court of the county where the property or any part thereof which might be subject to tax is situated.

(2) Upon the filing of the petition referred to in subsection (1) of this section, the county court shall order the petition set for hearing, not less than two nor more than four weeks after the date of filing the petition, and shall cause notice thereof to be given to all persons interested in the estate of the deceased and the property described in the petition, except as hereinafter provided in subsections (4) and (5) of this section, in the manner provided for in subsection (3) of this section.

(3) The notice, provided for by subsection (2) of this section, shall be given by one publication in a legal newspaper of the county or, in the absence of such legal newspaper, then in a legal newpaper of some adjoining county of general circulation in the county. In addition to such publication of notice, personal service of notice of said hearing shall be had upon the county attorney of each county in which the property described in the petition is located, at least one week prior to the hearing.

(4) If it appears to the county court, upon the filing of the petition, by any person other than the county attorney, that no assessment of inheritance tax could result, it shall forthwith enter thereon an order directing the county attorney to show cause, within one week from the service thereof, why determination should not be made that no inheritance tax is due

on account of the property described in the petition and the potential lien thereof on such property extinguished. Upon service of such order to show cause and failure of such showing by the county attorney, notice of such hearing by publication, referred to in subsections (2) and (3) of this section, shall be dispensed with, and the petitioner shall be entitled to a determination of no tax due on account of the property described in the petition, and any potential lien shall be extinguished.

(5) If it shall appear to the county court that (a) the county attorney of each county in which the property described in the petition is located has executed a waiver of notice upon him to show cause, or of the time and place of hearing, and has entered a voluntary appearance in such proceeding in behalf of the county and the State of Nebraska, and either (b) (i) all persons against whom an inheritance tax may be assessed are either a petitioner or have executed a waiver of notice upon them to show cause, or of the time and place of hearing, and have entered a voluntary appearnace, or (ii) a party to the proceeding has agreed to pay to the proper counties the full inheritance tax so determined, the court may dispense with the notice provided for in subsections (2) and (3) of this section and proceed without delay to make a determination of inheritance tax, if any, due on account of the property described in the petition.".

7. On page 17, line 24 after "judge" insert ", or in counties not having an associate county judge, the acting county judge,".

8. On page 23 insert a new section to read as follows:

"Sec. 24. That section 77-2101.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2101.01. In the case of decedents dying after August 16, 1954, in addition to the inheritance taxes imposed by the laws of the State of Nebraska, there is levied and imposed an estate or excise tax upon the transfer at death of the estate of every resident decedent and upon the value of any real estate interest of a nonresident decedent. The amount of such tax shall be the amount by which the maximum credit allowance upon the estate tax imposed by the Federal Revenue Act imposing tax on estates shall exceed the aggregate amount of all estate, inheritance, legacy, or succession taxes paid to any state or territory or the District of Columbia, or any possession of the United States, in respect of any property included in the gross estate.".

9. Renumber original sections 17 to 24 as sections 16 to 23 respectively.

10. On page 25, line 4 strike "77-2004,"; in line 5 strike "77-2018.01, 77-2018.02,"; in line 6 after "77-2030," insert "77-2101.01,"; in line 7 strike "and"; in line 8 after "1974," insert "and sections 77-2004 and 77-2018.02, Revised Statutes Supplement, 1975,".

(Signed) Roland A. Luedtke, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Kennedy asked unanimous consent to print the following amendment to LB 545 in the Journal. No objections. So ordered.

AMENDMENT TO LB 545

1. In the Dickinson amendment to the committee amendment strike "two thousand" and insert "one thousand five hundred".

NOTICE OF COMMITTEE HEARINGS

Miscellaneous Subjects

LB 634	Thursday, January 22, 1976	1:30 p.m.
LB 664	Thursday, January 22, 1976	1:30 p.m.
LB 665	Thursday, January 22, 1976	1:30 p.m.

(Signed) Gary L. Anderson, Chairman

Public Health and Welfare

LB 735	Tuesday, January 27, 1976	1:30 p.m.
LB 703	Tuesday, January 27, 1976	1:30 p.m.

(Signed) Thomas C. Kennedy, Chairman

Urban Affairs

Senator Fowler would like to announce that the Urban Affairs Committee hearing for next Wednesday, January 21, the time has been changed from 2:00 p.m. to 1:30 p.m.

(Signed) Steve Fowler, Chairman

Constitutional Revision and Recreation

LR 106	Thursday, January 22, 1976	1:30 p.m.
LB 737	Thursday, January 29, 1976	1:30 p.m.

(Signed) George Syas, Chairman

VISITORS

The President introduced 37 senior government students and instructor from Wilber–Clatonia High School; 30 ninth grade students and 4 adults from Milford High School.

RECESS

At 12:14 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Duis, Mahoney, and Marvel who were excused; Messrs. F. Lewis and Kime who were excused until they arrive; and Mr. Fowler who was excused until 2:00 p.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 766. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 77-2706, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2702 to 77-2704, Revised Statutes Supplement, 1974, relating to taxation; to clarify application of the sales and use tax to flight instruction and charter services; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 767. By Burrows, 30th District.

A BILL FOR AN ACT relating to the Department of Administrative Services; to provide that the Director of Administrative Services shall not issue warrants in certain situations.

LEGISLATIVE BILL 768. By Telecommunications Committee: Clark, 47th District, Chairman; Duis, 39th District; Marvel, 33rd District; Goodrich, 20th District; Skarda, 7th District; Schmit, 23rd District; Warner, 25th District.

A BILL FOR AN ACT relating to the Public Service Commission; to make provisions for telephone companies to establish rates for new service, equipment, or rate not previously offered.

LEGISLATIVE BILL 769. By Kime, 43rd District.

A BILL FOR AN ACT to amend sections 77-1719 and 77-1719.03, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide procedures for partial payment of delinquent personal property taxes; and to repeal the original sections.

LEGISLATIVE BILL 770. By Nebraska Retirement Committee: Hasebroock, 18th District, Chairman; F. Lewis, 45th District; Goodrich, 20th District; Luedtke, 28th District; Stull, 49th District; Marvel, 33rd District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to provide that each member of the Legislature shall receive a per diem; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 771. By Clark, 47th District.

A BILL FOR AN ACT to amend section 37-204, Revised Statutes Supplement, 1975, relating to game and fish; to provide that the fee for nonresident hunting and fishing permits shall be the same as a similar nonresident fee charge in the home state of the permit holder; and to repeal the original section.

LEGISLATIVE BILL 772. By Clark, 47th District.

A BILL FOR AN ACT to amend sections 29-2204, 29-2520, 29-2522, and 29-2523, Revised Statutes Supplement, 1974, relating to criminal procedure; to provide for jury sentencing of persons convicted of homicide; to provide the method of sentencing as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 773. By Clark, 47th District.

A BILL FOR AN ACT to amend section 18-1615, Reissue Revised Statutes of Nebraska, 1943, relating to industrial development; to provide more freedom for the conveyance of real estate by municipalities; and to repeal the original section.

LEGISLATIVE BILL 774. By Urban Affairs Committee: Fowler, 27th District, Chairman; Koch, 12th District; Stoney, 4th District; Swigart, 8th District; Hasebroock, 18th District.

A BILL FOR AN ACT to amend sections 16-206 and 17-526, Reissue Revised Statutes of Nebraska, 1943, relating to cities; to confer additional authority upon the police regarding the investigation of a complaint concerning vicious dogs; and to repeal the original sections.

LEGISLATIVE BILL 775. By Urban Affairs Committee: Fowler, 27th District, Chairman; Koch, 12th District; Stoney, 4th District; Swigart, 8th District; Burrows, 30th District; Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 76-706, Reissue Revised Statutes of Nebraska, 1943, relating to real property; to provide that one appraiser in an eminent domain proceeding shall be a licensed real estate appraiser as prescribed; and to repeal the original section.

LEGISLATIVE BILL 776. By Urban Affairs Committee: Fowler, 27th District, Chairman; Koch, 12th District; Hasebroock, 18th District; Stoney, 4th District; Swigart, 8th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 19-2903, Revised Statutes Supplement, 1975, relating to municipal auditing; to clarify a reference to auditing procedures for certain municipalities; and to repeal the original section.

LEGISLATIVE BILL 777. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Rumery, 42nd District; Maresh, 32nd District; Kennedy, 21st District.

A BILL FOR AN ACT to amend sections 60-2201, 60-2203, 60-2204, 60-2205, 60-2206, 60-2208, 60-2210, and 60-2211, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to redefine terms; to provide emission control standards; to harmonize references; to provide for the issuance of citations for violations of standards; to increase the penalties for violations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 778. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Maresh, 32nd District; Dickinson, 31st District; Burrows, 30th District.

A BILL FOR AN ACT to amend sections 72-204, 72-205.03, 72-233, and 72-233.01, Reissue Revised Statutes of Nebraska, 1943, and sections

72-232 and 72-234, Revised Statutes Supplement, 1974, relating to school lands and funds; to provide the Board of Educational Lands and Funds with powers and duties relating to lands leased under a crop-share agreement or under a cash-rent program as prescribed; to provide provisions relating to the selling, storing, and marketing of crops; to provide lease provisions; and to repeal the original sections.

LEGISLATIVE BILL 779 By DeCamp, 40th District.

A BILL FOR AN ACT to provide state funding for certain recreation projects and fish and wildlife enhancement projects as prescribed; to create the Nebraska Water Projects Fund; and to prescribe the uses to which money may be applied.

LEGISLATIVE BILL 780. By Anderson, 37th District.

A BILL FOR AN ACT to amend sections 60-320, 60-324, 60-326.01, 60-329, 60-332, 60-333, 60-334, 60-336, 60-415, 60-1603, 60-1803, and 60-1805, Reissue Revised Statutes Supplement, 1943, and section 60-310, Revised Statutes Supplement, 1974, relating to motor vehicles; to increase fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 781. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 60-404, 60-406, 60-409, and 60-415, Reissue Revised Statutes of Nebraska, 1943, and section 60-403.01, Revised Statutes Supplement, 1975, relating to motor vehicle operators' licenses; to require color photographs on licenses; to change fees; to provide temporary licenses; to provide an advisory committee; and to repeal the original sections.

LEGISLATIVE BILL 782. By DeCamp, 40th District; Kime, 43rd District.

A BILL FOR AN ACT relating to law enforcement; to provide for the creation of law enforcement reserve forces by counties or cities; to provide qualifications and training standards; to provide authority; to provide benefits and compensation; to amend section 48-126.01, Reissue Revised Statutes of Nebraska, 1943, and section 48-115, Revised Statutes Supplement, 1975; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 197. Title read. Considered.

Standing Committee amendment found in the Journal on page 713 for the Thirty-seventh Day, First Session, was adopted with 25 ayes, 5 nays and 19 not voting.

Mr. Warner moved to indefinitely postpone. Motion pending.

Mr. Hasebroock moved to bracket until March 31, 1976. The motion prevailed.

LEGISLATIVE BILL 458. Bracketed at the request of Mr. Johnson until March 31, 1976.

UNANIMOUS CONSENT—Change of Order

Mr. Wiltse asked unanimous consent to consider LB 348 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 348. Considered.

Mr. Barnett moved to indefinitely postpone. The motion lost with 7 ayes, 16 nays and 26 not voting.

Mr. Wiltse moved to advance to E & R for Review.

Mr. Wiltse moved for a Call of the House. The motion prevailed with 19 ayes, 7 nays and 23 not voting.

Mr. Wiltse moved the Call be raised. The motion prevailed.

Advanced to E & R for Review with 26 ayes, 12 nays and 11 not voting.

REFERENCE COMMITTEE REPORT

January 14, 1976

Mr. President:

The Legislative Council Executive Board respectfully requests that Legislative Bills No. 744 through 778 be referred to standing committees as per the attached listing.

(Signed) Wally Barnett, Vice Chairman; Loran Schmit; Dennis L. Rasmussen; R. D. Kelly; John Cavanaugh; John S. Savage; J. W. Burbach.

LB	Committee	LB	Committee
744	Judiciary	762	Education
745	Judiciary	763	Bkg. Comm. & Ins.
746	Judiciary	764	Pub. Hlth & Wel.
747	Judiciary	765	Labor
748	Judiciary	766	Revenue
749	Judiciary	767	Gov. Mil. & Vets Afrs
750	Judiciary	768	Public Works
751	Judiciary	769	Revenue
752	Appropriations	770	Cons. Rev. & Rec.
753	Appropriations	771	Cons. Rev. & Rec.
754	Education	772	Judiciary
755	Education	773	Urban Affairs
756	Appropriations	774	Urban Affairs
757	Education	775	Urban Affairs
758	Education	776	Urban Affairs
759	Gov. Mil. & Vets Afrs	777	Agric. & Env.
760	Education	778	Agric. & Env.
761	Education		

GENERAL FILE

LEGISLATIVE BILL 451. Title read. Considered.

Mr. Keyes moved to indefinitely postpone. The motion lost with 12 ayes, 17 nays and 20 not voting.

Mr. Johnson moved to advance to E & R for Review.

Mr. Johnson moved for a Call of the House. The motion prevailed with 20 ayes, 4 nays and 25 not voting.

The Call showed 44 members present.

Mr. Johnson requested a roll call vote.

Voting in the affirmative, 23:

Burbach
Johnson
Marsh
Savage
Syas
Carsten
Koch
Moylan
Schmit
Warner
Cope
Kremer
Nichol
Stoney
Wiltse
Goodrich
Luedtke
Rasmussen
Stull
Hasebroock
Maresh
Rumery
Swigart

Voting in the negative, 18:

Anderson Barnett Bereuter Burrows Cavanaugh
Chambers Clark DeCamp Dickinson Dworak
Fitzgerald Fowler George Kennedy Keyes
R. Lewis Mills Skarda

Not voting, 8:

Duis Kelly Kime F. Lewis Mahoney
Marvel Murphy Simpson

Failed to advance to E & R for Review with 23 ayes, 18 nays and 8 not voting.

MR. SAVAGE PRESIDING

LEGISLATIVE BILL 265. Title read. Considered.

Standing Committee amendment found in the Journal on page 919 for the Forty-seventh Day, First Session, was adopted with 26 ayes, 3 nays and 20 not voting.

Mr. Kremer offered the following amendments:

AMENDMENT TO LEGISLATIVE BILL 265
(Introduced by Public Works Committee)
An Act to Amend Section 39-669.26, Revised Statutes, Supplement 1974
(Providing Exemptions)

Section 3:

This Act and the Amendments thereto shall be applicable to all pending cases or proceedings, which are not reduced to final judgment, or which are pending on Appeal.

Section 4:

Since an Emergency exists, this Act shall be in full force and take effect from and after its passage and approval, according to Law.

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Goodrich offered the following amendment:
To amend LB 265 to provide for the payment of Court Costs on all violation resulting in a finding of guilty.

The amendment lost with 8 ayes, 21 nays and 20 not voting.

PRESIDENT WHELAN PRESIDING

Advanced to E & R for Review with 29 ayes, 4 nays and 16 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 783. Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 50-309, 50-310, 50-313, and 50-314, Reissue Revised Statutes of Nebraska, 1943, relating to lobbying; to redefine terms; to provide duties of the Clerk of the Legislature; to lower the registration fee; to change the information required to be declared in the statement filed with the Clerk of the Legislature; to provide for registration periods; to provide an operative date; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 544. Title read. Considered.

Standing Committee amendment found in the Journal on page 1176 for the Fifty-seventh Day, First Session, was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

UNANIMOUS CONSENT–Unbracket LB 180A

Speaker Burbach asked unanimous consent to unbracket LB 180A on General File. No objections. So ordered.

UNANIMOUS CONSENT–Member Excused

Mr. Koch asked unanimous consent to be excused at 3:45 p.m. for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 180A. Title read. Considered.

Speaker Burbach offered the following amendment:

AMENDMENT TO LB 180A

(1) On page 2, strike section 1 and insert the following:

"Section 1. There is hereby appropriated sixty-five thousand seven hundred fifteen dollars from the General Fund for the period July 1, 1976 to June 30, 1977, to the Nebraska Soil Survey Fund, which fund is hereby appropriated in the amount of three hundred fifty thousand dollars, which amount includes the General Fund amount appropriated in this section, to aid in carrying out the provisions of Legislative Bill 180, Eighty-Fourth Legislature, First Session, 1975."

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Skarda asked unanimous consent to withdraw his pending motion found in the Journal on page 634 for the Thirty-third Day, First Session, to indefinitely postpone. No objections. So ordered.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

UNANIMOUS CONSENT—Unbracket LB 202

Speaker Burbach asked unanimous consent to unbracket LB 202 on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 202. Considered.

Speaker Burbach offered the following amendment:

AMENDMENT TO STANDING COMMITTEE AMENDMENT TO LB 202

1. In the Standing Committee Amendment p. 574 of the Journal, line 4 strike "fifteen" and insert "seventeen and one half"; in line 5 strike "ten" and insert "fifteen"; in line 7 strike "five" and insert "twelve and one half"; in line 8 strike beginning with "thereafter" through "states" in line 10 and insert "commencing July 1, 1979, and each year thereafter, the county shall pay ten per cent of the cost of such medical assistance".

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Speaker moved for a Call of the House. The motion prevailed with 21 ayes, 7 nays and 21 not voting.

Speaker Burbach moved the Call be raised. The motion prevailed.

Advanced to E & R for Review with 27 ayes, 13 nays and 9 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 784. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 39-669.26, Revised Statutes Supplement, 1975, relating to rules of the road; to provide for the discretionary assessment of points for traffic violations; and to repeal the original section.

LEGISLATIVE BILL 785. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 79-1285, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1281 and 79-1283, Revised Statutes Supplement, 1974, relating to the Professional Practices Commission; to change the size, composition, and method of appointments; to change procedures; to provide immunity; to provide a short title; and to repeal the original sections.

ANNOUNCEMENT

Speaker Burbach announced the cut-off date for drafting new bills will be Friday, January 16, 1976, at 5:00 p.m.

ADJOURNMENT

At 4:21 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, January 15, 1976.

Vincent D. Brown
Clerk of the Legislature

SEVENTH DAY–JANUARY 15, 1976

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 15, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> O God, our Father, we know that we have entered into a great heritage and a great tradition. We know that we owe our liberty and our freedom to citizens, who, throughout the years, lived, suffered and died, for truth and right.
>
> As we walk in the reflection of our heritage this Bicentennial year, Grant, O Lord, that its greatness and goodness shall not be a burden to weigh us down with feelings of inferiority in our times, but rather become an inspiration which buoys us up!
>
> Help us not only to remember with gratitude those who have achieved much, but resolve to be worthy compatriots of our mutual destiny. To this end grant us adequate grace to live and to labor. In the Name of Christ we pray, Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burrows, Goodrich, F. Lewis, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 207, line 9, correct spelling of "Services".
Page 207, line 18 and page 208, line 2, correct spelling of "Luedtke".
The Journal for the Sixth Day was approved as corrected.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 108.

UNANIMOUS CONSENT–Member Excused

Mr. Luedtke asked unanimous consent to be excused Friday, January 16, 1976. No objections. So ordered.

UNANIMOUS CONSENT–Re-refer Bills

Mr. Mahoney asked unanimous consent to re-refer the following bills. No objections. So ordered.

30A	From Appropriations to General File
666	From Education to Cons. Rev. & Rec.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 786. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 77-202.01, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide an extension of the filing date for tax exempt status; to prescribe conditions for the payment of property tax on a motor vehicle; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 787. By Swigart, 8th District.

A BILL FOR AN ACT to amend section 32-550, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to change the time of the county post-primary convention; to provide for notice; to repeal the original section; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 204. Mr. DeCamp asked unanimous consent to bracket until Friday, February 6, 1976. No objections. So ordered.

LEGISLATIVE BILL 275. Mr. Clark asked unanimous consent to withdraw his pending amendments found in the Journal on page 149 for the Third Day. No objections. So ordered.

Mr. Clark asked unanimous consent to print the following amendments to LB 275. No objections. So ordered.

AMENDMENT TO LB 275, AS AMENDED

1. A. On page 2, after line 10 insert the following new sections:

"Sec. 3. (1) Within sixty days after the effective date of this act, the department shall adopt and promulgate rules and regulations to establish criteria for justifiably and reasonably determining which rights and privileges a committed person forfeits upon commitment and which rights and privileges a committed person.

(2) Such rules and regulations shall include, but not be limited to, criteria concerning (a) disciplinary restrictions on clothing, bedding, facilities, mail, and visitations in an institution, (b) solitary confinement, (c) grievance procedures, hearings, and review, (d) good time credit, (e) criteria for psychological treatment and sociological development programs, (f) rehabilitation opportunities, and (g) educational or employment programs.

(3) The rules and regulations adopted pursuant to this act shall in no manner deprive an inmate of any rights and privileges to which such person is entitled under other provisions of law or under policies adopted in a correctional institution.

Sec. 4. (1) Copies of all rules and regulations shall be filed pursuant to Chapter 84, article 9, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, and shall be distributed to all adult correctional institutions in this state.

(2) Committed persons shall be informed of rules and policies concerning institutional behavior and discipline, inmate rights and developmental opportunities, work or education programs, and complaint procedures. Such rules and policies, or significant portions thereof, shall be posted at conspicuous places throughout the institution.".

B. Renumber original sections 3 and 4 as sections 5 and 6, respectively.

2. A. On page 3, line 14 after "." insert "No member of any review board shall also be a member of a disciplinary hearing board, but the same considerations for appointing members to the disciplinary hearing board may apply to appointing members to a review board.".

B. In line 21 strike "or" and insert "," and in line 23, before the period insert ", or the office of the Public Counsel, established by section 81-8,241, Reissue Revised Statutes of Nebraska, 1943".

C. Renumber original sections 5 to 8 as

sections 7 to 10, respectively.

3. On page 4, renumber original sections 9 to 12 as sections 11 to 14, respectively.

4. On page 5, line 9, after "charge" insert ". The individual bringing the charge shall also appear at such hearing".

5. On page 6, after line 3, insert the following new sections:

"Sec. 15. If a committed person shall be dissatisfied with any action taken by any official or board regarding a grievance or disciplinary proceding, he may transfer the action to the office of the Public Counsel, who may take any appropriate action on the matter. The Public Counsel shall be informed of all activities occurring pursuant to such grievance procedures and shall seek to resolve disputes. Committed persons shall be informed, by written notice, of the availability of the Public Counsel, and the availability to transfer actions to him.

Sec. 16. Nothing in this act shall be construed as to restrict or impair an inmate's free access to the courts and necessary legal assistance in any cause of action arising under this act.".

LEGISLATIVE BILL 394. Mr. Murphy asked unanimous consent to bracket until March 1, 1976. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 120. Title read. Considered.

The Koch pending amendments found in the Journal on page 159 for the Third Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. F. Lewis offered the following amendment:

To amend section 32-530 page 11 line 17 and 18 strike new language insert original language.

The amendment was adopted with 28 ayes, 7 nays and 14 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 28 ayes, 6 nays and 15 not voting.

The Call showed 48 members present.

Mr. Koch requested a roll call vote on advancing to E & R for Review.

Voting in the affirmative, 25:

Anderson	Barnett	Bereuter	Carsten	Chambers
Clark	Dworak	Fitzgerald	George	Goodrich
Kelly	Koch	F. Lewis	R. Lewis	Mahoney
Marvel	Mills	Rasmussen	Savage	Schmit
Skarda	Stoney	Swigart	Syas	Warner

Voting in the negative, 22:

Burbach	Burrows	Cavanaugh	Cope	DeCamp
Dickinson	Duis	Fowler	Hasebroock	Johnson
Kennedy	Keyes	Kremer	Luedtke	Maresh
Marsh	Moylan	Nichol	Rumery	Simpson
Stull	Wiltse			

Not voting, 2:

Kime	Murphy

Advanced to E & R for Review with 25 ayes, 22 nays and 2 not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 157
January 13, 1976

Dear Senator Mills:

You have requested our opinion as to the proposed amendment to L.B. 147, Eighty-fourth Legislature, which reads as follows:

> "Amend Section 1, line 20, of LB 147, by striking the period after the word "domain", and inserting the following: ", provided that the power of eminent domain may be exercised in connection with the transportation of coal by pipeline only against persons, corporations, associations or other public or private entities which are permitted by law to exercise the power of eminent domain."

LB 147 is, itself, an amendment which would add coal to the other fuels transported by pipeline mentioned and given the right of eminent domain in Section 57-1101 and 57-1103, R.R.S. 1943.

You inquire whether the proposed amendment is unconstitutional as being class legislation, and it would appear that, in light of the Supreme Court's very recent decision in State v. Gradwohl, 194 Neb. 745, it probably is not. It was held in the Gradwohl case that a classification is not improper, if the class is not closed. It said:

> "It assumes that the statute creates a class of persons. It does not. This section of the statute applies to all persons, whomever they may be, who happen to violate the statute in the manner specified. The point of both Tiemann and Omaha Parking, each of which involved legislation pertaining to municipalities, was that the statutes attacked in those cases constituted special legislation because the legislation pertained only to certain cities. In Tiemann the Legislation was held to be special and therefore invalid because the statute by its terms could apply only to certain cities (those of a certain population at a certain time and therefore a closed class). In Omaha Parking the legislation was held not special because the class of cities was not closed."

By the same token, it is believed that the class to which the amendment would authorize the limited exercise of eminent domain is not a closed class. The Gradwohl case also said:

> "The real question in this case is whether the constitutional provision against special legislation somehow requires that costs be assessed against all violators of speed laws irrespective of what the particular violation may be. This, as we have already noted, clearly involves a classification of subject matter only.
>
> "The applicable principles which must guide us are: 'The Legislature may classify the subjects, persons, or objects as to which it legislates if such classification rests upon differences in situations or circumstances between things dealt with in one class and those dealt with in another.
>
> " 'The power of classification rests with the Legislature and it will not be interfered with by the courts if real and substantial differences exist which afford a rational basis for classification.' Fougeron v. County of Seward, supra. See, also, Erwin v. City of Omaha, 118 Neb. 331, 224 N.W. 692. These general rules as to the validity of such classifications apply to classifications made under the police power. 16A C.J.S., Constitutional Law, Section 493, p. 254. For example, we have held that penalties for crimes which are essentially similar except for differences of person, place, and/or circumstances may vary provided the reasons for the differences pass constitutional muster. See, State v. Holland, 183 Neb. 485, 161 N.W. 2d 862; State v. Eckstein, 188 Neb. 146, 195 N.W. 2d 194."

Therefore, the Legislature could grant, as in the amendment, more limited power of eminent domain to one class, so long as the class is an open one, if there are real and substantial differences in situations or circumstances between things dealt with in one class and those dealt with in another. It is believed that there should not be too much difficulty in distinguishing coal pipelines from all other pipelines, insofar as the former are granted a more limited power of eminent domain. All carriers do not have to be treated the same, and coal transportation is different in nature from crude oil, petroleum, gases, or other products thereof. The best indication for the latter conclusion is the fact that the proponents of LB 147 apparently feel passage of that bill is necessary to confer the power of eminent domain upon them, presumably because the above listing of petroleum products does not reasonably include coal.

Since your inquiry seemed to be primarily concerned with the question whether the proposed amendment to LB 147 is class legislation, this opinion has been directed to that point. There is, however, one other question which is very likely to arise in acquisitions under this provision, if enacted, and that is which entity, the coal pipline condemnor, or the other public agency condemnee has the primary and preeminent public use. In other words, presuming that the landowning entity has acquired only what is necessary for the public purpose for which it is responsible, will the acquisition of a part of the rights in that land by condemnation interfere with the public purpose of the landowning agency, and if so, which public purpose has priority? It is believed that this issue will often arise in such acquisitions.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Warren D. Lichty, Jr.
Assistant Attorney General

WDL/sks
cc: Mr. Vince Brown
Clerk of the Legislature

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 788. By Cavanaugh, 9th District.

A BILL FOR AN ACT relating to public records; to provide legislative intent; to define terms; to provide duties of public bodies as prescribed; to create the Nebraska Information Practices Board; to provide powers and duties of such board; to provide for hearings and advisory opinions; to provide penalties; to repeal sections 81-1117.02, 81-1117.03, and 81-1117.04, Revised Statutes Supplement, 1975; and to declare an emergency.

LEGISLATIVE BILL 789. By Executive Board: Mahoney, 5th District, Chairman; Kelly, 35th District; R. Lewis, 38th District; Cavanaugh, 9th District; Barnett, 26th District; Rasmussen, 41st District; Savage, 10th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 50-401.01 and 84-202, Reissue Revised Statutes of Nebraska, 1943, relating to the Legislature; to provide additional duties for the Executive Board; to authorize the employment of legal counsel as prescribed; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 790. By Rumery, 42nd District.

A BILL FOR AN ACT to amend sections 18-1904, 18-1907, 18-1910, and 18-1911, Reissue Revised Statutes of Nebraska, 1943, relating to plumbing inspections; to change provisions relating to meetings; to expand the jurisdiction for which a license is needed to do any plumbing work; to change provisions relating to fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 791. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 70-627.02, Reissue Revised Statutes of Nebraska, 1943, and section 70-637, Revised Statutes Supplement, 1975, relating to public power; to provide for a moratorium on construction of nuclear power facilities; to declare intent; and to repeal the original sections, and also section 70-627.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 792. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 39-669.08, Reissue Revised Statutes of Nebraska, 1943, relating to the rules of the road; to eliminate administrative revocation of a driver's license for refusal to take a chemical test; and to repeal the original section.

LEGISLATIVE BILL 793. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 84-1411, Revised Statutes Supplement, 1975, relating to public meetings; to provide that an agenda may be requested; and to repeal the original section.

LEGISLATIVE BILL 794. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Fowler, 27th District; Kelly, 35th District; Cavanaugh, 9th District; Moylan, 6th District.

A BILL FOR AN ACT relating to public employees; to provide for the transfer of employee benefits when the status of employees has been changed by legislative action; to provide procedures for the transfer of benefits; to provide for the payment of money for benefits; and to declare an emergency.

LEGISLATIVE BILL 795. By Kremer, 34th District.

A BILL FOR AN ACT relating to flood control; to provide exemptions from the construction of artificial obstructions in floodways or flood plains; to authorize the preparation of maps as prescribed; to provide procedures for approval and modification of such maps; and to declare an emergency.

LEGISLATIVE BILL 796. By Swigart, 8th District.

A BILL FOR AN ACT to amend sections 14-360 and 14-362, Reissue Revised Statutes of Nebraska, 1943, relating to cities; to provide that metropolitan class cities assess costs for the enlarging of sewerage and drainage systems within three miles of the corporate limits; to repeal the original sections; and to declare an emergency.

NOTICE OF COMMITTEE HEARING
Public Works

LB 724	Thursday, January 22, 1976	1:30 p.m.
LB 738	Thursday, January 22, 1976	1:30 p.m.

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 382. Title read. Considered.

Mr. Duis offered the following amendment:

AMENDMENTS TO LB 382

1. On page 3, line 19 after "purposes" strike "; Provided," and show as stricken; strike lines 20 to 22, and show as stricken; line 23, strike "money" and shown as stricken.

2. On page 6, insert a new section as follows: "Sec. 2. This act shall become effective for the taxable year beginning after December 31, 1976."

3. Renumber original section 2 as section 3.

Speaker Burbach moved to amend the Duis amendment with his amendment printed in the Journal on page 196 for the Fifth Day.

Amendments pending.

Mr. Burrows asked unanimous consent to withdraw his amendment found in the Journal on page 1448 for the Sixty-eighth Day, First Session. No objections. So ordered.

PROCLAMATION

Mr. Chambers read a Proclamation declaring January 15, 1976, Martin Luther King Day.

RESOLUTIONS

LEGISLATIVE RESOLUTION 110.

Introduced by Education Committee: F. Lewis, 45th District, Chairman; Koch, 12th District; Burrows, 30th District; Fitzgerald, 14th District; Rumery, 42nd District.

WHEREAS, the University of Nebraska Foundation, a corporation, has acquired real property in or near the City of Beatrice known as Pershing College and legally described as: The North Half of the North Half of the West Half of the Southeast Quarter of the Northeast Quarter; and the Northeast Quarter of the Northeast Quarter and the East Half of the Northwest Quarter of the Northeast Quarter and the East Half of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter; and the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of the Northwest Quarter of the Northeast Quarter, all in Section 6, Township 3 North, Range 6, East of the 6th P.M., Gage County, Nebraska; and

WHEREAS, the University of Nebraska Foundation has also acquired a substantial amount of tangible personal property used by Pershing College and now contained in the above described real property; and

WHEREAS, the University of Nebraska Foundation proposes to transfer and convey such real and personal property to the Board of Regents of the University of Nebraska in consideration for reimbursement for its expenses in accepting and maintaining such property which expenses are estimated not to exceed the sum of $50,000.00; and

WHEREAS, Southeast Technical Community College through its Board of Directors has expressed a desire to acquire the above described real and personal property and expressed its willingness to reimburse the University of Nebraska Foundation for its expenses as herein referred to; and

WHEREAS, the Board of Regents of the University of Nebraska is willing to accept such property from the University of Nebraska Foundation and transfer it to the Southeast Technical Community College if such action is consented to by the Legislature and the Governor and if

Southeast Technical Community College reimburses the University of Nebraska Foundation for the above-described expenses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE, OF NEBRASKA, SECOND SESSION:

1. The Legislature consents to the Board of Regents acceptance of the transfer of the above-described real and personal property from the University of Nebraska Foundation, and thereupon the transfer of such property to Southeast Technical Community College.
2. The Legislature further consents to the Southeast Technical Community College acceptance of the transfer of such real and personal property from the Board of Regents, and thereupon shall reimburse the University of Nebraska Foundation for its costs and expenses in accepting and maintaining such property as herein described.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 797. By Burrows, 30th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to change the basis upon which the salary of members of the Legislature is computed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 798. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Rumery, 42nd District; Kime, 43rd District; Dickinson, 31st District; Burrows, 30th District; Maresh, 32nd District; Kennedy, 21st District.

A BILL FOR AN ACT to appropriate $165,000 from the General Fund to the University of Nebraska to aid students in receiving instruction in required courses in veterinary medicine and surgery as prescribed.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, January 16, 1976.

Vincent D. Brown
Clerk of the Legislature

EIGHTH DAY—JANUARY 16, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 16, 1976

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The Prayer was offered by Rev. Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> O God, we need your spirit today, to wake us up to the possibilities that lie before us.
>
> There are so many demands, numerous and weighty concerns that we are not always sure of what is most important.
>
> We ask for a God-sparked imagination to gain confidence and lift us above the mediocre which we have accepted for the outcome of so many situations.
>
> "All things are possible to those who believe" said Jesus! Help us to visualize the best things we want to see happen today and to believe that we can make them happen.
>
> Above all inspire us to be the person you want us to be! In the name and spirit of Jesus we pray, Amen.

ROLL CALL

The roll was called and all members were present except Mr. Burrows who was excused until he arrives; and Mr. Luedtke who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventh Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 158
January 12, 1976

Dear Senator Keyes:

Your letter dated January 7, 1976 regarding the type of legislation needed in order to include various organizations eligible to receive a one-day liquor license is answered herewith.

Sub-paragraph I of Section 53-124, of the Liquor Control Act, specifically provides that a one-day license shall be issued to a municipal corporation or religious or fraternal nonprofit corporation which has been exempted from payment of federal income taxes and does not hold a retail liquor license under the Liquor Control Act. Therefore to include additional types of organizations such as labor organizations the sub-section I above referred to must be amended to include all of those organizations that the legislature may wish to include as eligible to secure a license.

In addition to including the types of organizations eligible to secure a license it might be worthwhile to also include a definition of the organization which would more specifically describe the specific organization that the legislature has reference to.

Trusting the above answers your inquiry,

Yours very truly

Paul L. Douglas
Attorney General

(Signed) Robert R. Camp
Nebraska Liquor Control
Commission

RRC:tf
cc: Mr. Vince Brown
Clerk of the Legislature

COMMUNICATION

January 14, 1976

Dear Mr. Brown:

We are submitting herewith the actuarial valuations of the following retirement systems:

Twentieth Actuarial Valuation
Nebraska State Patrolmen's Retirement System
July 1, 1974 through June 30, 1975

Eleventh Actuarial Report
Nebraska Judges Retirement System
July 1, 1974 through June 30, 1975

Twenty-fourth Actuarial Report
Nebraska School Retirement System
July 1, 1974 through June 30, 1975

Actuarial Valuation
Nebraska State Employees Retirement System
January 1, 1974 through December 31, 1974

Actuarial Valuation
Nebraska County Employees Retirement System
January 1, 1974 through December 31, 1974

Respectfully submitted,
(Signed) Kenneth D. Steinmiller
Director

KDS:dvh
Enclosures: 5

(Valuation reports on file in the Clerk's office.)

REFERENCE COMMITTEE REPORT

January 15, 1976

Mr. President:

By action of the Legislative Council Executive Board at their meeting of January 15, 1976, LB 765 has been re-referred from the Committee on Labor to the Committee on Urban Affairs.

LB	Committee	LB	Committee
779	Cons. Rev. & Rec.	789	Misc. Subjects
780	Public Works	790	Urban Affairs
781	Public Works	791	Public Works
782	Judiciary	792	Public Works
783	Misc. Subjects	793	Gov. Mil. & Vets. Afrs.
784	Public Works	794	Pub. Hlth. & Wel.
785	Education	795	Public Works
786	Revenue	796	Urban Affairs
787	Gov. Mil. & Vets. Afrs.	797	Cons. Rev. & Rec.
788	Misc. Subjects		

(Signed) Eugene T. Mahoney, Chairman

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of January 15, 1976. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Burnett, J. A. – St. Paul, Minnesota, Minnesota Mining and Manufacturing Company
Craig, William B. – Omaha, Douglas County Sheriff's Reserve
Crosby, Guenzel, Davis, Kessner & Kuester, (Robert B. Crosby), Nebraska Cooperative Council
Elm, Howard W. – Lincoln, (withdrawn 1-14-76), Association Services, Inc.
Epke, Walter H. – York, Nebraska School Improvement Association
Ryan, James E. – Lincoln, Minnesota Mining & Manufacturing Company
Schlitt, Marge – Lincoln, Common Cause
Stanley, Cecil E. – Lincoln, Nebraska Vocational Association
Stromer, Gerald – Kearney, Fair Taxation For All
Welsch, Ernest – Milford, National Farmers Organization of Nebraska
Young, Marguerite, Mrs. – Lincoln, League of Women Voters of Nebraska

UNANIMOUS CONSENT—Print in Journal

Mr. Barnett asked unanimous consent to print the following amendments to LB 248 in the Journal. No objections. So ordered.

AMENDMENT TO LB 248

1. Page 3, line 20, after the period insert "The standards adopted by the department shall include provisions imposing requirements reasonably consistent with recognized and accepted standards published by the Building Officials Conference of America, the International Conference of Building Officials, the International Association of Plumbing and Mechanical Officials, the National Bureau of Standards, the United States Department of Housing and Urban Development, or a combination thereof, applying to manufactured housing units. Provided, that the department shall adopt as standards relating to electrical systems in manufactured housing units those applicable standards adopted and amended by the State Electrical Board under section 81-575."

Strike Sec. 11, and substitute the following:

Sec. 11. The Governor shall appoint 7 citizens of the state with the approval of the Legislature to a manufactured housing advisory board. Board membership shall include one (1) person from each of the fields of industrial management, architecture, professional engineering, organized labor, and municipal building inspection, one (1) manufacturer as defined by this Act, and one (1) dealer as defined by this Act. No business entity shall be represented by more than one member on the advisory board at any time. Of the initial members of the advisory board, three shall be appointed originally for a term of one year and four shall be appointed for a term of two years. Thereafter, all terms shall be for a term of two years. All such members shall serve for a specified term and until their successors are appointed and qualified, but no appointive member shall serve more than two successive two-year terms. Vacancies in the membership of the advisory board for any cause shall be filled by appointment by the Governor for the unexpired term. Members shall receive no compensation but shall be reimbursed for actual and necessary expenses on the same basis and subject to the same conditions as full-time state employees. The department shall not propose, adopt or approve any rule, regulation, or standard under this Act until it has first been approved by the advisory board, except as to standards relating to electrical systems.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 799. By Executive Board: Mahoney, 5th District, Chairman; Kelly, 35th District; Savage, 10th District; Cavanaugh, 9th District; R. Lewis, 38th District; Barnett, 26th District; Rasmussen, 41st District.

A BILL FOR AN ACT relating to the Legislature; to provide for divisions within the Legislative Council; to designate administrators and provide duties; to provide powers and duties of the Legislative Council and the Executive Board; to provide provisions relating to Attorney General opinions as prescribed; to provide duties of the Attorney General; to transfer sections; to amend sections 50-401, 50-401.01, 50-404, 50-406 to 50-411, 50-413 to 50-417, 50-421, and 50-422, Reissue Revised Statutes of Nebraska, 1943, and section 50-423, Revised Statutes Supplement, 1974; to repeal the original sections, and also sections 49-701 to 49-702.01, 49-704 to 49-707, 49-721 to 49-765, 49-767, 49-768, 50-401.03 to 50-403, 50-405, 50-412, and 50-418 to 50-420, Reissue Revised Statutes of Nebraska, 1943, and sections 49-766 and 50-401.02, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 800. By Johnson, 15th District.

A BILL FOR AN ACT relating to county extension work; to update statutes dealing with county extension work; to provide for an Extension

Board of Directors for each county or unit as prescribed; to provide powers and duties of such board; and to repeal sections 2-1601 to 2-1607, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 801. By Kelly, 35th District.

A BILL FOR AN ACT relating to lotteries and trading stamps; to define terms; to require permits; to require financial responsibility; to provide a penalty; and to provide an operative date.

LEGISLATIVE BILL 802. By Keyes, 3rd District.

A BILL FOR AN ACT relating to counties; to provide a county civil service commission by election; to define terms; to classify certain positions; to create a commission; to provide an administrator; and to provide severability.

NOTICE OF COMMITTEE HEARING

Revenue

LB 729	Monday, January 26, 1976	1:30 P.M.
LB 730	Monday, January 26, 1976	1:30 P.M.
LB 731	Monday, January 26, 1976	1:30 P.M.
LB 725	Tuesday, January 27, 1976	1:30 P.M.
LB 728	Tuesday, January 27, 1976	1:30 P.M.
LB 766	Wednesday, January 28, 1976	1:30 P.M.
LB 769	Wednesday, January 28, 1976	1:30 P.M.

(Signed) Calvin F. Carsten, Chairman

SELECT FILE

LEGISLATIVE BILL 275. Laid over at the request of Mr. Clark.

GENERAL FILE

LEGISLATIVE BILL 382. Considered.

Speaker Burbach renewed his pending amendment found in the Journal on page 196 for the Fifth Day to the Duis amendment found in the Journal on page 240 for the Seventh Day.

Mr. Rasmussen moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 14 nays and 17 not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 19 nays and 11 not voting.

The Burbach amendment to the Duis amendment lost with 13 ayes, 28 nays and 8 not voting.

The Duis amendment was adopted with 39 ayes, 0 nays and 10 not voting.

Advanced to E & R for Review with 41 ayes, 3 nays and 5 not voting.

LEGISLATIVE BILL 502. Title read. Considered.

Mr. Barnett renewed his amendment found in the Journal on page 173 for the Fourth Day.

Mr. DeCamp moved to amend the Barnett amendment by striking the Barnett amendment and substituting his amendment.

The Chair ruled the DeCamp amendment out of order at this time.

Mr. DeCamp withdrew his amendment.

The Barnett amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Murphy offered the following amendment:

AN AMENDMENT TO THE BARNETT AMENDMENT
FOUND ON PAGE 173 of the Journal of the
FOURTH DAY – LB 502

Insert a new section to read as follows:
Section 3: Whenever a savings and loan association, building and loan association, bank, or other lending institution shall require that any borrower shall make deposits with it in the form of establishing an escrow account or similar fund in order to pay real estate taxes, insurance, or other charges which shall accrue with respect to the security given in connection with a loan, such savings and loan association, building and loan association, bank or other lending institution shall pay to such borrower no less than five percent annual interest or interest at the rate currently being paid by such institution on passbook savings accounts, whichever shall be greater.

Mr. DeCamp moved for a Call of the House. The motion prevailed.

The Call showed 47 members present.

The Murphy amendment lost with 21 ayes, 24 nays and 4 not voting.

Advanced to E & R for Review with 34 ayes, 2 nays and 13 not voting.

Mr. Stull moved the Call be raised. The motion prevailed.

NOTICE OF COMMITTEE HEARINGS

Constitutional Revision and Recreation

LB 666	Friday, January 23, 1976	1:30 p.m.
LB 667	Friday, January 30, 1976	1:30 p.m.

(Signed) George Syas, Chairman

Education

LB 761	Monday, January 26, 1976	2:00 p.m.
LB 754	Monday, January 26, 1976	2:00 p.m.
LB 673	Tuesday, January 27, 1976	2:00 p.m.
LB 733	Tuesday, January 27, 1976	2:00 p.m.
LB 755	Monday, February 2, 1976	2:00 p.m.
LB 757	Monday, February 2, 1976	2:00 p.m.
LB 758	Tuesday, February 3, 1976	2:00 p.m.
LB 760	Tuesday, February 3, 1976	2:00 p.m.
LB 762	Monday, February 9, 1976	2:00 p.m.

(Signed) Frank Lewis, Chairman

Public Health and Welfare

LB 680	Monday, Feb. 2, 1976	1:30 p.m.
LB 806	Monday, Feb. 2, 1976	1:30 p.m.
LB 734	Tuesday, Feb. 3, 1976	1:30 p.m.
LB 742	Tuesday, Feb. 3, 1976	1:30 p.m.
LB 764	Tuesday, Feb. 3, 1976	1:30 p.m.

Signed) Thomas C. Kennedy, Chairman

Urban Affairs

LB 711, introduced by Senator John Cavanaugh, which is set for hearing before the Urban Affairs Committee on Wednesday, January 21, 1976 has been postponed until a later date.

(Signed) Steve Fowler, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LR 110 in the Journal. No objections. So ordered.

AMENDMENT TO LEGISLATIVE RESOLUTION 110

1. On page 242 of the Journal after line 14 insert:

"3. The Legislature by these actions does not endorse any proposal whereby Pershing College will be used in such a manner as to reduce existing programs on the Lincoln, Milford, and Fairbury campuses.".

Mr. Kennedy asked unanimous consent to print the following amendment to LB 299 in the Journal. No objections. So ordered.

AMENDMENT TO LB 299

1. Strike the committee amendment.
2. On page 2, line 7, strike "His" and insert "~~His~~ Such"; line 12 strike "his" and insert "~~his~~ such director's"; and in line 13 strike "He" and insert "~~He~~ The director".

RESOLUTION

LEGISLATIVE RESOLUTION 111. By George, 16th District.

WHEREAS, the Nebraska Legislature and the Department of Roads are ever conscious that the quality of our highways is an important factor in assuring the safety of our state's motorists; and

WHEREAS, construction and maintenance of Nebraska roads is one of the single largest burdens on the Nebraska taxpayer, on both the state and local level; and

WHEREAS, the quality of our roads can be only as high as the quality of the railroad crossings which often intersect them; and

WHEREAS, poorly constructed and maintained crossings by the Railroads are truly hazardous to driver safety and costly in damage to vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE, OF NEBRASKA, SECOND SESSION:

1. That a committee appointed by the Legislature analyze the quality

of railroad crossings in the State of Nebraska to determine if such crossings detract from the quality of the adjacent roadway.

2. That the committee make a report of its findings together with its recommendations for possible legislation to the next regular session of the Legislature.

3. That the Legislature adopt by legislation, certain minimum standards to be met by the Railroads in the construction and maintenance of intersecting rail crossings with roadways.

Referred to Executive Board.

MOTION—Rule Change

Mr. Warner moved the following rule change:

To amend Rule 6 2g by adding "Any motion to amend an appropriation bill or a motion to amend an amendment to an appropriation shall require a majority vote of the elected members".

Referred to the Rules Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 803. By Koch, 12th District.

A BILL FOR AN ACT relating to schools; to provide that funds collected by county treasurers for school purposes be distributed to school districts monthly.

LEGISLATIVE BILL 804. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1975, relating to taxation; to provide an income tax exemption for elderly persons as prescribed; and to repeal the original section.

LEGISLATIVE BILL 805. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 23-107.01, Revised Statutes Supplement, 1975, to change the requirement for legal publication on public hearings for the sale or lease of real estate owned by the county; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 806. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Cavanaugh, 9th District; Moylan, 6th District; Fowler, 27th District; Kelly, 35th District; R. Lewis, 38th District.

A BILL FOR AN ACT relating to mental health; to provide mental health boards in each county; to define terms; to change commitment proceedings; to provide legal counsel; to provide a penalty; to amend sections 83-308.02, 83-312, 83-314, 83-318, 83-324, 83-339, and 83-351, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2203, 83-306, and 83-337, Revised Statutes Supplement, 1974; to provide severability; to provide an operative date; and to repeal the original sections, and also sections 83-315, 83-317, 83-319, 83-320, 83-322, 83-322.01, 83-325 to 83-328.01, 83-328.03, 83-332 to 83-335, 83-341, and 83-343, Reissue Revised Statutes of Nebraska, 1943, and sections 83-323, 83-323.01, and 83-328.02, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 807. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Chambers, 11th District; Syas, 13th District.

A BILL FOR AN ACT to amend section 26-102, Revised Statutes Supplement, 1974, relating to municipal judges; to increase the number of judges as prescribed; and to repeal the original section.

LEGISLATIVE BILL 808. By Judiciary Committee: DeCamp, 40th District, Vice-chairman; Nichol, 48th District; Barnett, 26th District; Schmit, 23rd District; Syas, 13th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article I, section 9, of the Constitution of Nebraska, relating to the Bill of Rights; to provide additional situations when bail may be denied; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 809. By Cavanaugh, 9th District.

A BILL FOR AN ACT to adopt the Nebraska Hospital Mutual Insurance Association Act; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 810. By Anderson, 37th District.

A BILL FOR AN ACT to amend section 81-829.42, Revised Statutes Supplement, 1975, relating to the National Guard; to provide a monetary death benefit; and to repeal the original section.

LEGISLATIVE BILL 811. By Burrows, 30th District.

A BILL FOR AN ACT to adopt the Nebraska Wage Payment Collection Act.

LEGISLATIVE BILL 812. By Burbach, 19th District.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Game and Parks Commission to convey certain lands as described.

LEGISLATIVE BILL 813. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 55-171, Reissue Revised Statutes of Nebraska, 1943, relating to the militia; to provide legal counsel at state expense; and to repeal the original section.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 670	Friday, January 23, 1976	1:30 p.m.
LB 732	Friday, January 23, 1976	1:30 p.m.

(Signed) Gary L. Anderson, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 412 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 412

1. On page 2, insert a new section as follows: "Section 1. That section 53-105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-105. (1) There is hereby created the Nebraska Liquor Control Commission, consisting of three members to be appointed by the Governor, subject to confirmation by a majority of the members elected to the Legislature, no more than two of whom shall be members of the same political party, and no two shall be citizens of the same congressional district.

(2) One member shall have at least three years' experience as (a) the holder or partial holder of, or (b) a majority stockholder of a corporation holding a license issued by the Nebraska Liquor Control Commission pursuant to section 53-124. Such member shall comply with the provisions of section 53-110 at the time of fulfilling his duties as a member of the Nebraska Liquor Control Commission.".

2. On page 3, strike lines 16 through 18 and show as stricken; line 19 strike "equities of the cause may require" and show as stricken and insert "costs shall be paid by the party or parties against whom a final decision is rendered".

3. On page 4, in lines 6 through 9, strike the new matter.

4. On page 6, in lines 8 through 11, strike the new matter and reinstate the stricken matter; strike lines 17 and 18; in line 19 strike "section" and insert "sections 53-105 and"; line 20 strike "is" and insert "are".

5. Renumber original section 1 as section 2.

Mr. DeCamp asked unanimous consent to print the following amendments to LB 413 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 413

1. On page 2 insert a new section as follows:

"Section 1. That section 53-132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-132. (1) Except as provided in subsection (1) of section 53-133, upon the expiration of thirty days from the date of mailing notice, as provided in section 53-131, the commission ~~shall~~ may, if not otherwise prohibited by law, cause a retail license to be signed by its chairman, attested by its secretary over the seal of the commission and issued in the manner provided in subsection (2) of this section as a matter of course.

(2) Retail licenses issued or renewed by the commission shall be mailed to the city, village, or county clerk, as the case may be, who shall deliver the same to the licensee upon receipt from the licensee of proof of payment of (a) the license fee if by the terms of subdivision (5) of section 53-124 the same is payable to the treasurer of such city, village, or county, (b) any fee for publication of notice of hearing before the board or council of such city, village, or county upon the application for license, (c) his fee for publication of notice of renewal as provided in section 53-135.01, and (d) occupation taxes, if any, imposed by such city, village, or county.

(3) Each license shall designate the name of the licensee, the place of business licensed, and the type of license issued."; line 26 after "issued,", strike "and costs shall"; stike line 27.

2. On page 3, line 1, strike the new matter; after line 8, insert a new section as follows:

"Sec. 3. That section 53-1,116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-1,116. (1) A copy of the rule, regulation, order, or decision of the commission, in any proceeding before it, certified under the seal of the commission, shall be served upon each party of record to the proceeding before the commission. Service upon any attorney of record for any such party shall be deemed to be service upon such party. Each party appearing before the commission shall enter his appearance and indicate to the commission his address for the service of a copy of any rule, regulation, order, decision, or notice. The mailing of a copy of any rule, regulation, or order of the commission or of any notice by the commission, in the proceeding, to such party at such address shall be deemed to be service thereof upon such party.

(2) At the time of making an appearance before the commission, as referred to in subsection (1) of this section, each party, except the local governing body, shall deposit in cash or furnish a sufficient

security for costs in such sum as the commission shall deem adequate to cover all costs liable to accrue, including (a) reporting the testimony to be adduced, (b) making up a complete transcript thereof, and (c) extending reporter's original notes in typewriting.

(3) Within twenty days after the service of any rule, regulation, order, or decision of the commission upon any party to the proceeding, as provided for by subsection (1) of this section, such party may apply for a rehearing in respect to any matters determined by the commission. The commission shall receive and consider such application for a rehearing within twenty days from the filing thereof with the secretary of the commission. In case such application for rehearing is granted, the commission shall proceed as promptly as possible to consider the matters presented by such application. No appeal shall be allowed from any decision of the commission, except as is provided for in subsection (5) of this section.

(4) Upon the final disposition of any proceeding ~~before it, the commission may order that the costs abide its final decision in the matter, or may cause the costs and expenses of the proceeding to be taxed as the equities of the cause may require~~ costs shall be paid by the party or parties against whom a final decision is rendered. Costs may be taxed or retaxed to local governing bodies as well as individuals. Only one rehearing, referred to in subsection (3) of this section, shall be granted by the commission on application of any one party.

(5) Any decision of the commission granting or refusing to grant or revoking or refusing to revoke or renew a license or permit for the sale of alcoholic liquors, including beer, may be reversed, vacated, or modified by the district court of the county where the applicant for a license or the licensee resides or by the district court of Lancaster County in the case of a nonresident permittee or nonresident applicant for a permit, on appeal by any party to the hearing or rehearing before the commission. The procedure to obtain such a reversal, vacation, or modification shall be by the filing with the commission of a notice of intention to appeal, followed by the filing of a petition in the district court setting forth the contention upon which such party relies for reversal, vacation, or modification. Such notice of intention to appeal shall be filed with the commission within twenty days following the mailing of a copy of the final decision of the commission to each party of record, as required by subsection (1) of this section. The petition shall be filed in the district court within thirty days after such mailing of a copy of the decision. In the event that a motion for rehearing has been filed with the commission as provided in this section, the time for filing a notice of intention to appeal and the petition shall begin with the date of the mailing of the notice of the overruling of the motion for rehearing to each party to the record.

(6) It shall be unnecessary to issue or serve a summons upon the filing of the petition referred to in subsection (5) of this section. It shall be deemed to be sufficient notice of the filing of such petition

if a copy thereof is filed with the commission and served on the adverse party or parties to the record or on his, its, or their attorney or attorneys of record. Service of such copy of the petition may be waived by such party or parties or his, its, or their attorney or attorneys of record. The time for answering or otherwise pleading to such petition shall be as in other cases in the district court.

(7) Upon the filing of a notice of intention to appeal with the commission, as provided for in subsection (5) of this section, the secretary of the commission shall prepare and deliver to the appellant on request a transcript of the proceedings and a transcript of the testimony and evidence before the commission, which transcript of the proceedings shall contain (a) a copy of the application granting or refusing a license or permit or a copy of the license or permit revoked or denied, as the case may be, and (b) a copy of the decision sought to be reversed, vacated, or modified. Such transcripts shall be filed in the district court of the proper county, as designated in subsection (5) of this section, with the petition if received by the appellant within the time permitted for the filing of the petition, if not, as soon thereafter as the same may be received from the secretary of the commission. The jurisdiction of the district court of the appeal shall attach when the petition on appeal has been filed and shall not depend upon the filing of the transcripts.

(8) The appeal, provided for or referred to in subsections (5), (6), and (7) of this section, shall be heard and tried de nevo in the district court in the manner provided for the trial of suits in equity. Additional testimony may be introduced at the hearing on appeal.

(9) The appellant shall deposit with the secretary of the commission the costs of the transcript of the proceedings and the transcript of the testimony and evidence before the commission when requesting the same as provided for in subsection (7) of this section."; line 9 strike "section 53-133," and insert "sections 53-132, 53-133, and 53-1,116,"; line 10 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 4, respectively.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 635. Placed on General File as amended.
Standing Committee amendment to LB 635:

1. On page 2, line 14 after "may" strike "also provide" and insert "contract".

LEGISLATIVE BILL 641. Placed on General File.

(Signed) Dennis L. Rasmussen, Chairman

GENERAL FILE

LEGISLATIVE BILL 225. Title read. Considered.

Mr. Kelly offered the following amendment:

1. On page 3, line 21 strike "Any" and insert "If any"; in line 22 after "osteopathy" insert "has notified the patient or individual diagnosed by such person of his intent to file a report with the department pursuant to this section, prior to notification to the department, such person".

The amendment lost with 16 ayes, 19 nays and 14 not voting.

Mr. Kelly moved to indefinitely postpone LB 225. The motion prevailed with 31 ayes, 4 nays and 14 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 814. By Labor Committee: Maresh, 32nd District, Chairman; Kime, 43rd District; Rumery, 42nd District; F. Lewis, 45th District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 81-117, Reissue Revised Statutes of Nebraska, 1943, and section 84-1001, Revised Statutes Supplement, 1974, relating to state employees; to provide for overtime compensation to state employees as prescribed; to establish the basic work week; and to repeal the original sections.

LEGISLATIVE BILL 815. By Fitzgerald, 14th District.

A BILL FOR AN ACT to make an appropriation to the Military Department; and to provide authorization.

GENERAL FILE

LEGISLATIVE BILL 310. Considered.

Mr. F. Lewis offered the following amendment:

Strike lines 26, 27 of page 2, strike lines 1, 2 and service in line 3, page 3.

The amendment lost with 3 ayes, 19 nays and 27 not voting.

Mr. F. Lewis moved to indefinitely postpone LB 310. The motion lost with 14 ayes, 18 nays and 17 not voting.

Mr. Dworak moved for a Call of the House. The motion prevailed with 19 ayes, 10 nays and 20 not voting.

Mr. Dworak moved the Call be raised. The motion prevailed.

Advanced to E & R for Review with 25 ayes, 9 nays and 15 not voting.

REFERENCE COMMITTEE REPORT

January 16, 1976

Mr. President:

The Legislative Council Executive Board respectfully requests that Legislative Bills No. 798 through 813 be referred to standing committees as per the attached listing.

(Signed) Eugene T. Mahoney, Chairman; Wally Barnett, Vice-Chairman; Dennis L. Rasmussen; John Cavanaugh; Richard Lewis; J. W. Burbach; R. D. Kelly.

LB	**Committee**	**LB**	**Committee**
798	Appropriations	806	Pub. Hlth. & Wel.
799	Misc. Subjects	807	Judiciary
800	Agric. & Env.	808	Cons. Rev. & Rec.
801	Misc. Subjects	809	Bkg. Comm. & Ins.
802	Gov. Mil. & Vets. Affrs.	810	Gov. Mil. & Vets. Affrs.
803	Education	811	Labor
804	Revenue	812	Cons. Rev. & Rec.
805	Gov. Mil. & Vets. Affrs.	813	Judiciary

ADJOURNMENT

At 12:00 Noon, on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Monday, January 19, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

NINTH DAY—JANUARY 19, 1976

NINTH DAY—JANUARY 19, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 19, 1976

Pursuant to adjournment, the Legislature met at 9:30 a.m., Preisdent Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> We are glad to begin this new week, O God our Father, and we begin it with a consciousness of your greatness, goodness, and loving concern and influence in our lives.
>
> Faith in You, O Father, inspires us to self-confidence. We gladly face the problems before us, knowing that problems make life interesting. People depend on us for the right answers. It gives us the opportunity to do good to our fellowmen and to our communities.
>
> What a privilege we have in serving you in this high office! Help us to be worthy of it. In the spirit of the Master we pray. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. R. Lewis and Koch who were excused; Messrs. F. Lewis, Johnson, DeCamp, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighth Day was approved.

NATIONAL RESOURCES DISTRICT REPORT

Lower Elkhorn National Resources District
Norfolk, Nebraska 68701

January 15, 1976

Dear Mr. Brown:

Enclosed please find the annual Report to Legislature submitted by the Lower Elkhorn Natural Resources District.

If you should have any questions concerning this information, please contact our office and we will be pleased to help you in any way possible.

Sincerely,

(Signed) Linda Tullberg
Fiscal Clerk

Enc. 1
cc: State Natural Resources Commission
Bahm & Auten Accounting

In compliance with Section 2-3262 (Cum. Supp. 1972) a summary of all fees paid to date during calendar year 1975 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	ATTORNEYS	FEE
Lower Elkhorn	Jewell, Otte, Gatz, Collins	$4,498.03

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 816. By Swigart, 8th District.

A BILL FOR AN ACT relating to schools; to permit the voluntary recitation of the Lord's prayer and the pledge of allegiance to the flag in public elementary schools at the option of the school district.

SELECT FILE

LEGISLATIVE BILL 275. Mr. Clark renewed his pending amendment found in the Journal on page 233 for the Seventh Day, Second Session.

Mr. Clark offered the following amendment to his pending amendment:

AMENDMENT TO THE CLARK AMENDMENT TO LB 275, JOURNAL PAGES 233 to 235

1. In the Clark amendment on Journal page 234 in the first line 9 after "person" insert "retains".

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

The Clark amendment, as amended, was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 409. Standing Committee amendments found in the Journal on page 962 for the Forty-ninth Day, First Session, were adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Goodrich moved to indefinitely postpone.

The motion lost with 20 ayes, 15 nays and 14 not voting.

EXPLANATION OF VOTE

Re: Senator Goodrich's kill motion on LB 409 (Select File). Under the erroneous notion that a kill motion on Select File requires a simple majority of those voting, I changed from nay to aye to be on the prevailing side for purposes of reconsideration.

(Signed) E. Chambers

Mr. Goodrich requested a machine vote on advancing LB 409 to E & R for Engrossment.

The motion to advance to E & R for Engrossment lost with 11 ayes, 24 nays and 14 not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 159
January 14, 1976

Re: Constitutionality of LB 586

Dear Senator Burrows:

You have asked whether LB 586 is unconstitutional under either Section 13 or Section 16 of Article I of the Nebraska Constitution. We have concluded that it is not.

LB 586 excepts members of peer review committees of state or local associations or societies, composed of certain licensed health care practitioners, from liability for slander, libel, defamation of character, breach of any privileged communication or otherwise for any action taken or recommendation made within the scope of the functions of such committee if such committee member acts without malice and in the reasonable belief that such action or recommendation is warranted by the facts known to him after a reasonable effort is made to obtain the facts on which such action is taken or recommendation is made.

Article I, Section 13 requires access to the courts for a remedy if one's legal rights have been violated. See Hartford Insurance Company v. Hon, 66 Neb. 555, 92 N.W. 746 (1902). LB 586 does not limit access to the courts. It limits legal rights.

Article I, Section 16 proscribes a law impairing the obligation of contracts. Abrogating a right of action for an injury to happen in the future as LB 586 does does not impair the obligation of contracts. See State Securities Company v. Norfolk Livestock Sales Company, Inc., 187 Neb. 446, 191 N.W.2d 614 (1971).

Article I, Section 16 also proscribes the making of an irrevocable grant of special immunity. The immunity from liability for members of peer review committees proposed in LB 586 is not absolute. It is limited to particular injuries occurring within the scope of the functions of the peer review committee, if such committee member acts without malice and in the reasonable belief that such action or recommendation is warranted by the facts known to him after a reasonable effort is made to obtain the facts on which such action is taken or recommendation is made. It should withstand a challenge of unconstitutionality under Article I, Section 16 just as a statute exempting auctioneers from liability in specified instances did in State Securities, above.

We have concluded that LB 586 is not unconstitutional under either Section 13 or Section 16 of Article I or the Nebraska Constitution.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:ss
cc: Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 160
January 16, 1976

Dear Senator Stull:

You have pointed out to us that in sec. 2-3206, R.R.S. 1943, the Natural Resources Districts are to assume all assets, liabilities and obligations of soil and water conservation districts, as well as other types of districts. These assets, of course, include any real estate owned by such districts. Your question is whether the statutes give the Natural Resources Districts power to build new improvements on real estate owned by them, either as a successor to a soil and water conservation district, or as newly acquired property.

We find no restrictions in sec. 2-3206 as to the use to which the Natural Resources Districts may put real estate they have acquired under that section. We therefore conclude that they may use any real estate they acquired pursuant to sec. 2-3206 in the same manner and for the same purposes that they could use any other real estate acquired by them in any manner.

As to the general power of Natural Resources Districts to build new improvements on real estate owned by them, we call your attention to secs. 2-3229, 2-3231, and 2-3233. Section 2-3229 states that the purposes of Natural Resources Districts shall be to develop and execute, through the exercise of powers and authorities contained in the act, plans, facilities, works and programs relating to twelve different types of projects. Section 2-3231 states that each district shall have the power and authority to contract for the construction, preservation, operation, and maintenance of tunnels, reservoirs, regulating or reregulating basins, diversion works and canals, dams, drains, drainage systems or other projects for a purpose mentioned in sec. 2-3229, and necessary works incident thereto. Section 2-3233 provides that each district shall have the power and authority to acquire, construct, own, operate, control, maintain and use various works and facilities necessary to carry out the provisions of the act.

It is our conclusion that the Natural Resources Districts are given power to build new improvements, necessary to carry out the purposes of the act, on any real estate owned by them, regardless of how acquired.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 817. By Cavanaugh, 9th District; Luedtke, 28th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article V, sections 2 and 5, of the Constitution of Nebraska, relating to the Supreme Court; to provide for nine members of the Supreme Court; to provide for the selection of Supreme Court judges from Supreme Court districts as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 818. By Simpson, 46th District.

A BILL FOR AN ACT relating to the practice of medical technology; to define terms; to provide for licensure; to make certain acts unlawful; to create a cash fund; to provide penalties; and to provide severability.

LEGISLATIVE BILL 819. By Mills, 44th District; Dworak, 22nd District.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1975, relating to labor; to revise conditions disqualifying individuals from receiving unemployment benefits; and to repeal the original section.

LEGISLATIVE BILL 820. By Public Works Committee: Kremer, 34th District, Chairman; Kelly, 35th District; R. Lewis, 38th District; Wiltse, 1st District; Moylan, 6th District; Cavanaugh, 9th District; Warner, 25th District; Mills, 44th District.

A BILL FOR AN ACT to amend section 87-302, Revised Statutes Supplement, 1974, relating to the Uniform Deceptive Trade Practices Act; to provide that sellers may repair, adjust, and replace parts as prescribed; to eliminate conduct creating confusion or misunderstanding from that designated as a deceptive trade practice; to provide a limitation on when civil or criminal actions may be brought; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 821. By Public Works Committee: Kremer, 34th District, Chairman; Kelly, 35th District; R. Lewis, 38th District; Wiltse, 1st District; Moylan, 6th District; Cavanaugh, 9th District; Warner, 25th District.

A BILL FOR AN ACT to adopt the Nebraska Safe Drinking Water Act.

LEGISLATIVE BILL 822. By Warner, 25th District.

A BILL FOR AN ACT relating to public utilities; to provide for ex officio or advisory members to public service and utility boards of any city or village.

LEGISLATIVE BILL 823. By Warner, 25th District.

A BILL FOR AN ACT to amend section 60-1301, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,184, Revised Statutes Supplement, 1974, relating to motor vehicles; to provide an additional tolerance for overweight vehicles; to exclude certain vehicles from the requirement of stopping at weighing stations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 824. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 81-133, 81-136, and 81-1113, Reissue Revised Statutes of Nebraska, 1943, relating to the state budget; to change the preparation date for state budgets; and to repeal the original sections.

LEGISLATIVE BILL 825. By Marvel, 33rd District.

A BILL FOR AN ACT to amend sections 10-201, 16-724, 18-1101, 18-1803, 18-1804, and 18-1805, Reissue Revised Statutes of Nebraska, 1943, and section 10-126, Revised Statutes Supplement, 1975, relating to bonds; to change and provide revenue bond provisions relating to cities of the first and second class and villages as prescribed; to change registration procedures of revenue bonds issuedin fully registered form; to provide that a par sale and a five-year call shall not apply to revenue bonds; to include revenue notes in existing law; to provide for severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 826. By Rumery, 42nd District.

A BILL FOR AN ACT to amend sections 66-467 and 66-468, Revised Statutes Supplement, 1974, relating to research; to provide a duty; to provide a limitation on research; and to repeal the original sections.

LEGISLATIVE BILL 827. By Bereuter, 24th District.

A BILL FOR AN ACT to amend sections 60-329, 60-330, 60-330.01, 60-331.03, 60-331.04, 60-332, 60-336, and 60-338, Reissue Revised Statutes of Nebraska, 1943, and sections 60-331 and 60-337, Revised Statutes Supplement, 1975, relating to motor vehicle registration; to increase registration fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 828. By Maresh, 32nd District.

A BILL FOR AN ACT relating to the University of Nebraska at Lincoln; to provide a duty; to create an advisory committee; and to provide duties for the committee.

GENERAL FILE

LEGISLATIVE BILL 445. Title read. Considered.

Standing Committee amendments found in the Journal on page 1305 for the Sixty-third Day, First Session, were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 29 ayes, 1 nays and 19 not voting.

LEGISLATIVE BILL 91. Mr. Simpson asked unanimous consent to bracket until January 26, 1976. No objections. So ordered.

LEGISLATIVE BILL 313. Mr. Cavanaugh asked unanimous consent to bracket until January 30, 1976. No objections. So ordered.

LEGISLATIVE BILL 713. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 266. Title read. Considered.

Mrs. Marsh asked unanimous consent to withdraw her pending amendment found in the Journal on page 155 for the Third Day. No objections. So ordered.

Laid over until Standing Committee amendments are available at the request of Mr. Dickinson.

LEGISLATIVE BILL 635. Title read. Considered.

Standing Committee amendment found in the Journal on page 257 for the Eighth Day, Second Session, was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 641. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

NOTICE OF COMMITTEE HEARING

Agriculture and Environment

LB 777 Thursday, January 29, 1976 East Senate Lounge 1:30 p.m.

LB 778	Thursday, January 29, 1976	East Senate Lounge	1:30 p.m.
LB 800	Thursday, January 29, 1976	East Senate Lounge	1:30 p.m.

(Signed) Loran Schmit, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 829. By Burrows, 30th District.

A BILL FOR AN ACT to amend section 45, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, relating to appropriations; to increase appropriations for cottages at Beatrice State Home; to increase the number of residents for whom cottages will be provided; and to repeal the original section.

LEGISLATIVE BILL 830. By Burrows, 30th District.

A BILL FOR AN ACT relating to mental retardation regions; to require that regions file revenue and expenditure reports as prescribed; and to provide for reduction or forfeiture of state assistance.

LEGISLATIVE BILL 831. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Goodrich, 20th District; Luedtke, 28th District; Stull, 49th District.

A BILL FOR AN ACT to amend sections 24-703 and 24-703.01, Revised Statutes Supplement, 1974, and sections 24-707 and 24-710, Revised Statutes Supplement, 1975, relating to judges retirement; to permit original members who have not retired to elect an alternative contribution rate and retirement benefits; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 266. Considered.

Mrs. Marsh offered the following amendments to the Standing Committee amendments found in the Journal on page 1215 for the Fifty-ninth Day, First Session:

1. In committee amendments, section 2, lines 3 and 4, strike "begin after the effective date of this act" and insert "have a minimum of two years remaining on their enlistment at the commencement of each term in their respective courses of study"; in line 4 strike "four" and insert "three"; and in line 6 strike "baccalaureate".

2. In committee amendments, section 3, line 7, insert "upon initial enrollment" after "credit"; in lines 9 and 10 strike "semester for academic" and insert "subsequent"; and in line 10 strike "commission".

The amendments were adopted with 26 ayes, 0 nays and 23 not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Carsten asked unanimous consent to withdraw his amendments found in the Journal on page 182 for the Fourth Day. No objections. So ordered.

Mr. Cavanaugh moved to indefinitely postpone LB 266.

The motion lost with 13 ayes, 20 nays and 16 not voting.

Mr. Barnett offered the following amendment:

Amend LB 266 to read after "resident" "who is employed by the State or" in Line 1.

The amendment lost with 9 ayes, 23 nays and 17 not voting.

Mr. Bereuter requested a record vote on advancing LB 266 to E & R for Review.

Mr. Carsten moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays and 25 not voting. Mr. Carsten moved the Call be raised. The motion prevailed.

Voting in the affirmative, 25:

Burbach Carsten Chambers Clark Cope
Dworak George Goodrich Hasebroock Johnson
Luedtke Mahoney Maresh Marsh Moylan
Murphy Nichol Rumery Savage Simpson
Stoney Swigart Syas Warner Wiltse

Voting in the negative, 12:

Anderson Barnett Bereuter Burrows Cavanaugh
Dickinson Fowler Keyes Kime Mills
Rasmussen Skarda

Not voting, 12:

DeCamp	Duis	Fitzgerald	Kelly	Kennedy
Koch	Kremer	F. Lewis	R. Lewis	Marvel
Schmit	Stull			

Advanded to E & R for Review with 25 ayes, 12 nays and 12 not voting.

NOTICE OF COMMITTEE HEARING
Education

LB 726	Tuesday, February 3, 1976	2:00 p.m.
LB 762	Monday, February 9, 1976 (Cancelled)	2:00 p.m.
LB 673	Tuesday, January 27, 1976 (Cancelled)	2:00 p.m.
LB 673	Monday, January 26, 1976 (Reset)	1:30 p.m.
LB 733	Tuesday, January 27, 1976 (Cancelled)	2:00 p.m.
LB 733	Monday, January 26, 1976 (Reset)	1:30 p.m.
LB 761	Monday, January 26, 1976 (Cancelled)	2:00 p.m.
LB 761	Tuesday, January 27, 1976 (Reset)	2:00 p.m.
LB 754	Monday, January 26, 1976 (Cancelled)	2:00 p.m.
LB 754	Tuesday, January 27, 1976 (Reset)	2:00 p.m.

(Signed) F. Lewis, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 832. By Stoney, 4th District.

A BILL FOR AN ACT relating to political subdivisions; to provide that certain political subdivisions which engage in criminal identification and criminal history record information activities be designated criminal justice agencies.

LEGISLATIVE BILL 833. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 79-1247.06, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide uniform standards for the first issuance of certificates or permits valid for teaching only; to provide renewal rights; and to repeal the original section.

LEGISLATIVE BILL 834. By Bereuter, 24th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 2, of the Constitution of Nebraska, relating to revenue; to provide that land covered by water may receive special tax exemption; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 835. By Bereuter, 24th District.

A BILL FOR AN ACT to amend sections 81-815.22, and 81-815.31, Reissue Revised Statutes of Nebraska, 1943, relating to the state park system; to redefine terms; to authorize certain cooperative agreements between the Game and Parks Commission and the Nebraska State Historical Society; to prescribe duties; to establish the State Historical Resources Advisory Board; to provide for membership and duties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 836. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 54-134, Reissue Revised Statutes of Nebraska, 1943, relating to brands; to include the entire state in the brand inspection area; and to repeal the original section.

LEGISLATIVE BILL 837. By Murphy, 17th District.

A BILL FOR AN ACT to amend section 60-110, Reissue Revised Statutes of Nebraska, 1943, relating to certificates of title; to provide when motor vehicles shall be subject to article 9, Uniform Commerical Code; and to repeal the original section.

LEGISLATIVE BILL 838. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the University of Nebraska at Omaha; to authorize capital construction projects; to make appropriations for the fiscal year ending June 30, 1977; and to declare an emergency.

LEGISLATIVE BILL 839. By Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 60-1602, 60-1605, and 60-1608, Reissue Revised Statutes of Nebraska, 1943, relating to cabin trailers; to provide a penalty for failing to apply timely for a permit; and to repeal the original sections.

LEGISLATIVE BILL 840. By Duis, 39th District.

A BILL FOR AN ACT to amend section 48-115, Revised Statutes

Supplement, 1975, relating to workmen's compensation; to authorize a waiver of coverage and termination of waiver as prescribed; and to repeal the original section.

LEGISATIVE BILL 841. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District, Kennedy, 21st District, Burrows, 30th District; Dickinson, 31st District; Kime, 43rd District; Rumery, 42nd District.

A BILL FOR AN ACT relating to the Agricultural Products Industrial Utilization Committee; to provide that funds refunded or reimbursed to the committee during fiscal year 1975-1976 may be expended prior to June 30, 1976; and to declare an emergency.

LEGISLATIVE BILL 842. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Marsh, 29th District, Savage, 10th District; Goodrich, 20th District; Johnson, 15th District; Stull, 49th District.

A BILL FOR AN ACT to amend sections 79-1247.07 and 79-1247.13, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to increase certificate and permit fees; to revise expenditures from the Teachers' Certification Fund; to provide that fees shall be nonrefundable; to limit the time that certificates shall be in force; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 843. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Rumery, 42nd District; Kime, 43rd District; Dickinson, 31st District; Maresh, 32nd District; Kennedy, 21st District.

A BILL FOR AN ACT to adopt the Nebraska Pesticides and Devices Act; to provide penalties; to provide an operative date; to provide severability; to repeal sections 2-2606 to 2-2611, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2601 to 2-2605, Revised Statutes Supplement, 1974; and to declare an emergency.

LEGISLATIVE BILL 844. By Executive Board: Mahoney, 5th District, Chairman; Kelly, 35th District; Rasmussen, 41st District; Barnett, 26th District; Burbach, 19th District; Savage, 10th District; Cavanaugh, 9th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to gifts; to provide that certain commissions and agencies may receive gifts and bequests subject to legislative approval; to provide an exemption for gifts of artifacts or art; to amend sections 2-1506, 2-1529, 37-401, 37-424, 39-8,118, 39-1322, 51-403, 72-266, 72-412, 79-321.01, 79-1345, 81-1209, 82-101, 83-168, 83-313, 84-135, 85-123, 85-132, and 85-317.01, Reissue Revised Statutes of Nebraska, 1943, sections 72-729, 79-2103, 81-805, 81-8,275, 81-1204, 81-1434, and 82-313, Revised Statutes Supplement, 1974, and sections 39-1320, 81-1423 and 83-948, Revised Statutes Supplement, 1975; and to repeal the original sections.

EASE

The Legislature was at ease from 11:31 a.m., until 11:42 a.m.

REFERENCE COMMITTEE REPORT

January 19, 1976

Mr. President:

The Legislative Council Executive Board respectully requests that Legislative Bills No. 814 through 840 be referred to standing committees as per the attached listing.

(Signed) Eugene T. Mahoney, Chairman; Wally Barnett, Vice-Chairman; John S. Savage; Loran Schmit; Dennis L. Rasmussen; J. W. Burbach; John Cavanaugh; R. D. Kelly.

LB	Committee	LB	Committee
814	Labor	828	Labor
815	Appropriations	829	Appropriations
816	Education	830	Pub. Hlth. & Wel.
817	Cons. Rev. & Rec.	831	Neb. Ret. Systems
818	Pub. Hlth. & Wel.	832	Judiciary
819	Labor	833	Education
820	Public Works	834	Cons. Rev. & Rec.
821	Public Works	835	Cons. Rev. & Rec.
822	Urban Affairs	836	Agric. & Env.
823	Public Works	837	Public Works
824	Appropriations	838	Appropriations
825	Urban Affairs	839	Public Works
826	Agric. & Env.	840	Labor
827	Public Works		

EXECUTIVE SESSION

Mr. Anderson announced the Miscellaneous Subjects Committee will meet in executive session at 8:50 a.m., Tuesday, January 20, 1976 under the South balcony.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 845. By Cope, 36th District; Kelly, 35th District.

A BILL FOR AN ACT relating to the Department of Administrative Services; to define terms; to establish a preventive maintenance system within the state building division as prescribed; to provide duties of such division; to create the State Building Maintenance Fund; to prescribe its purpose and the funding of such fund; and to provide duties of agencies.

LEGISLATIVE BILL 846. By Bereuter, 24th District.

A BILL FOR AN ACT to amend section 60-410, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle operators' licenses; to provide an exemption for certain full-time students as prescribed; and to repeal the original section.

LEGISLATIVE BILL 847. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 81-829.68, Revised Statutes Supplement, 1974, relating to state administrative departments; to change administration of the Nebraska Wing of the Civil Air Patrol; and to repeal the original section.

LEGISLATIVE BILL 848. By Labor Committee: Maresh, 32nd District, Chairman; Kennedy, 21st District; Kime, 43rd District; Murphy, 17th District; Rumery, 42nd District.

A BILL FOR AN ACT relating to the Court of Industrial Relations; to provide penalties for any employee or labor organization which fails to use the procedures in Chapter 48, article 8 for settling industrial disputes or which refuses to comply with any order, decree, or judgment of the Court of Industrial Relations as prescribed.

ADJOURNMENT

At 11:46 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, January 20, 1976.

Vincent D. Brown
Clerk of the Legislature

TENTH DAY—JANUARY 20, 1976
LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 20, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> We thank You O God our Father, that our nation is this year paying tribute in an unusual way to our Forebearers, who led us to greatness.
>
> We pray that something of the spirit that was in Lincoln may indwell our leaders now; that they may see as clearly as he saw that only right makes might. He saw that only as we are on the side of God Almighty, would we prosper in the destiny of history.
>
> We pray that you will raise up other men and women who can see the horizon ahead, have the courage to know the right and take a stand for it. Are we drifting? Are we simply pressured by one group and then another? Is it all a matter of compromise? Do we live by an understanding of your divine purpose?
>
> Grant us the gift of your spirit in all our leaders, especially of our state, to be your servants in such a time as this. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Dickinson who was excused until he arrives and Mr. Cavanaugh who was absent until 9:20 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Ninth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 161
January 19, 1976

Dear Senator Chambers:

In your letter of December 1, 1975, you called to our attention the existence of certain ''Special'' and ''Reserve'' Deputies within the Douglas County Sheriff's Office. You also indicate that it is your understanding that these deputies have not been certified in accordance with the provisions of sec. 81-1414, R.R.S. 1943.

Section 81-1401, R.R.S. 1943, defines the term "Law enforcement officer".

> "(3) Law enforcement officer shall mean any person who is responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws of the state or any political subdivision thereof on a regular basis for more than one hundred hours per year and is:
>
> "(a) A full or part-time member of the Nebraska State Patrol;
>
> (b) A county sheriff;
>
> (c) A full or part-time employee of a county sheriff's office; or
>
> (d) A full or part-time employee of a municipal or village police agency;. . .''

Section 81-1414, R.R.S. 1943, provides in part:

> "(1) On and after January 1, 1972, law enforcement officers already serving under permanent appointment shall not be required to meet any requirement of subsection (2) of this section as a condition of tenure or continued employment.
>
> "(2) On and after January 1, 1972, no person shall receive appointment as a law enforcement officer unless he has been awarded a certificate by the commission attesting to his satisfactory completion of the minimum curriculum of the training center. . .''

Our investigation has revealed the following information concerning the Special Deputies. During the calendar year 1975, there were 66 Special Deputies. These deputies are not empowered to carry weapons at any time as a result of this status, do not wear uniforms, and are given no law enforcement powers. This status is honorary only and the individuals are issued identification cards which state in part, ''The bearer of this card is not authorized to carry a side arm nor to enforce the laws of the State of Nebraska. . .''.

It would be our opinion therefore that these Special Deputies do not fall within the definition of a law enforcement officer found within sec. 81- 1401, R.R.S. 1943. If, as you have indicated, you have information indicating that certain of these individuals are or have been abusing this status, we suggest that the specifics of these complaints be called directly to the attention of the Douglas County Sheriff.

With regard to the Reserve Deputies our investigation has revealed that for the calendar year 1975, there were 50 individuals in this status. These deputies wear uniforms identical to those of the regular deputies and are authorized to carry side arms. We have, however, been advised by the Douglas County Sheriff that these individuals are not empowered to make arrests. They are bonded and have therefore taken an oath on this bond, but they are not "sworn" deputies as are regular deputies.

The rules of this organization, which incidently is separate from the organization of the Douglas County Sheriff's Office, provide that these deputies must perform a minimum of eight hours service per month, (96 hours per year). As you have been informed, many of these Reserve Deputies do in fact volunteer more than 100 hours per year. Neither the Special Deputies nor the Reserve Deputies are compensated for their services.

We are of the opinion that these Reserve Deputies fall within the definition of a law enforcement officer found within sec. 81-1401, R.R.S. 1943. We are however also of the opinion that they are "serving under permanent appointment" and are therefore not required to be certified if they were so serving on or before January 1, 1972. (81-1414, R.R.S. 1943) In arriving at this conclusion we interpret "permanent appointment" to mean a status other than probationary, conditional or temporary.

Subsection (3) of sec. 81-1414, R.R.S. 1943, concerns promotions and provides that no law enforcement officer may be promoted until certification has been accomplished. While this organization comprising the Reserve Deputies has organizational officers, and while these officers carry the equivalent of rank, insomuch as these organizational officers serve at the pleasure of the overall membership and are chosen by election, we are of the opinion, that an individual achieving a higher elected position within this organization has not received a "promotion" as that term is used in sec. 81-1414(3), R.R.S. 1943.

We have been advised by the Douglas County Sheriff's Office that all but four of the present Reserve Officers have served in a permanent status in that organization since before January 1, 1972. Of these four, three do not serve in excess of 100 hours per year. The remaining deputy, a female regular employee of the Douglas County Sheriff's Office, serves in this status when a female law enforcement officer is needed for such assignments as the extradition of a female fugitive.

The Douglas County Sheriff's Office has, however, informed us that they intend to make every effort to certify all of these Reserve Deputies. We have been advised that such training, conducted by the Grand Island Training Center, will begin in Omaha on February 7, 1976.

We hope this information will be helpful to your full understanding of the Douglas County Reserve Deputy Program and to your continued efforts to improve the quality of law enforcement in Omaha and across the state.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:pjf
cc: Mr. Vincent D. Brown

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 849. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 60-432, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska State Patrol; to provide for a uniform and cleaning allowance; and to repeal the original section.

LEGISLATIVE BILL 850. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 77-202.30, Revised Statutes Supplement, 1974, as amended by section 3, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, relating to taxation; to provide a maximum amount to be placed in the Personal Property Tax Relief Fund; to provide proportional distribution; and to repeal the original section, and also section 77-202.29, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 851. By F. Lewis, 45th District.

A BILL FOR AN ACT relating to taxation; to reduce the per cent exemption from actual value of personal property; and to repeal section 77-202.29, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 852. By Education Committee: F. Lewis, 45th District, Chairman; Kremer, 34th District; Rumery, 42nd District; Kime, 43rd District; Fitzgerald, 14th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 79-490, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to transportation allowance for students attending school in a Class V school district; and to repeal the original section.

LEGISLATIVE BILL 853. By Education Committee: F. Lewis, 45th District, Chairman; George, 16th District; Kremer, 34th District; Rumery, 42nd District; Kime, 43rd District; Fitzgerald, 14th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 79-1248, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that employment contracts for teachers or administrators not restrict certain rights; and to repeal the original section.

LEGISLATIVE BILL 854. By Education Committee: F. Lewis, 45th District, Chairman; George, 16th District; Kremer, 34th District; Rumery, 42nd District; Kime, 43rd District; Fitzgerald, 14th District; Burrows, 30th District.

A BILL FOR AN ACT to establish employee tuition reimbursement and training programs for state employees; to authorize time off to attend such training; and to provide procedures to implement such programs.

LEGISLATIVE BILL 855. By Education Committee: F. Lewis, 45th District, Chairman; George, 16th District; Kremer, 34th District; Rumery, 42nd District; Kime, 43rd District; Fitzgerald, 14th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 79-1308.01, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to allow the treasurer of any Class IV or V school district the power to invest funds in securities eligible for investment by the state investment office; and to repeal the original section.

LEGISLATIVE BILL 856. By Judiciary Committee: Luedtke, 28th District, Chairman; Syas, 13th District; Chambers, 11th District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT to amend sections 30-1602, 30-1604, and 30-1606, Reissue Revised Statutes of Nebraska, 1943, relating to decedents' estates; to provide procedures for appeal of county court decisions; and to repeal the original sections.

LEGISLATIVE BILL 857. By Judiciary Committee: Luedtke, 28th District, Chairman; Syas, 13th District; Chambers, 11th District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT to amend section 26-1,203, Revised Statutes Supplement, 1974, relating to municipal courts; to authorize the appointment of two acting municipal judges; and to repeal the original section.

LEGISLATIVE BILL 858. By Judiciary Committee: Luedtke, 28th District, Chairman; Syas, 13th District; Chambers, 11th District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT to amend section 76-1446, Revised Statutes Supplement, 1974, relating to real property; to change the time for enforcement of an order of restitution; and to repeal the original section.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 651. Placed on General File as amended.
Standing Committee amendment to LB 651:
1. On page 4, line 6 reinstate the stricken matter and strike the new matter.

(Signed) Calvin F. Carsten, Chairman

UNANIMOUS CONSENT—Bracket LB 451

Mr. Johnson asked unanimous consent to bracket LB 451 until March 1, 1976. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 388. Considered.

Mr. Koch asked unanimous consent to withdraw his pending motion to indefinitely postpone found in the Journal on page 656 for the Thirty-fourth Day, First Session. No objections. So ordered.

Bracketed until March 10, 1976 at the request of Mr. Stull.

LEGISLATIVE BILL 499. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 519. Title read. Considered.

Bracketed until January 27, 1976 at the request of Mr. Schmit.

LEGISLATIVE BILL 565. Bracketed until January 27, 1976 at the request of Mr. Fowler.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 859. By Judiciary Committee: Luedtke, 28th District, Chairman; Syas, 13th District; Chambers, 11th District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT to amend section 25-1093.02, Revised Statutes Supplement, 1974, relating to replevin; to change the time in which hearings shall be held; and to repeal the original section.

LEGISLATIVE BILL 860. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 30-2901, Revised Statutes Supplement, 1974, relating to the Nebraska Probate Code; to change the operative date; and to repeal the original section.

LEGISLATIVE BILL 861. By Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 37-227 and 37-908, Reissue Revised Statutes of Nebraska, 1943, sections 37-211 and 37-215, Revised Statutes Supplement, 1974, and sections 37-101, 37-201, and 37-204, Revised Statutes Supplement, 1975, relating to game and fish; to provide for a habitat stamp as prescribed; to define a term; to increase hunting, fishing, and trapping permit fees as prescribed; to increase the fee for fur buyers permits; to provide an operative date; to provide penalties; and to repeal the original sections, and also sections 37-217 to 37-225, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 862. By Luedtke, 28th District.

A BILL FOR AN ACT relating to the Public Service Commission; to provide the standards to be followed and applied by the Public Service Commission in establishing a rate and range of return for telephone companies in rate cases.

LEGISLATIVE BILL 863. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1974, relating to taxation; to delete an exemption from sales tax; to provide for distribution of proceeds; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 864. By Burrows, 30th District.

A BILL FOR AN ACT relating to schools; to provide for the authorization of deductions from salaries and wages by employees of school districts, educational service units, technical community colleges, state colleges, and other political subdivisions of the State of Nebraska providing educational programs as prescribed.

LEGISLATIVE BILL 865. By Syas, 13th District.

A BILL FOR AN ACT to amend section 26-112, Revised Statutes Supplement, 1974, relating to courts; to increase fees in municipal courts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 866. By Koch, 12th District.

A BILL FOR AN ACT relating to nonresident school education; to provide for nonresident school education for pupils in seventh and eighth grade as prescribed; and to provide how such education shall be funded.

GENERAL FILE

LEGISLATIVE BILL 148. Considered.

Mr. Skarda moved to indefinitely postpone LB 148.

The Chair voted "Nay".

The motion failed with 21 ayes, 22 nays and 7 not voting.

Mr. Goodrich moved to refer LB 148 to the Education Committee for a second public hearing and recommendations to the Legislature. The motion prevailed with 31 ayes, 9 nays and 9 not voting.

REFERENCE COMMITTEE REPORT

January 19, 1976

Mr. President,

The Legislative Council Executive Board respectfully requests that Legislative Bills No. 841 through 844 be referred to standing committees as per the attached listing.

(Signed) Eugene T. Mahoney, Chairman; Wally Barnett, Vice-Chairman; John Cavanaugh; John S. Savage; J. W. Burbach; Dennis L. Rasmussen; Loran Schmit; R. D. Kelly.

LB	Committee
841	Agri. & Env.
842	Education
843	Agric. & Env.
844	Misc. Subjects

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 867. By Koch, 12th District.

A BILL FOR AN ACT to amend section 80-401, Revised Statutes Supplement, 1975, relating to the Nebraska Veterans' Aid Fund; to increase such fund to ten million dollars; to provide for appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 868. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Savage, 10th District; Stull, 49th District; Johnson, 15th District; Bereuter, 24th District; Simpson, 46th District; Marsh, 29th District.

A BILL FOR AN ACT to amend section 77-27,132, Revised Statutes Supplement, 1975, relating to revenue and taxation; to provide that the Tax Commissioner set the amount of the Tax Refund Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 869. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Savage, 10th District; Stull, 49th District; Johnson, 15th District; Bereuter, 24th District; Simpson, 46th District; Marsh, 29th District.

A BILL FOR AN ACT relating to funding; to create the Department of Correctional Services Facility Cash Fund; to provide for disbursements from such fund; and to declare an emergency.

LEGISLATIVE BILL 870. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Stull, 49th District; Johnson, 15th District; Goodrich, 20th District; Marsh, 29th District; Savage, 10th District.

A BILL FOR AN ACT to amend section 79-1247.07 and 79-1247.13, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to increase certificate and permit fees; to revise expenditures from the Teachers' Certification Fund; to provide that fees shall be nonrefundable; to limit the time that certificates shall be in force; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 871. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Stull, 49th District; Johnson, 15th District; Goodrich, 20th District; Bereuter, 24th District; Simpson, 46th District; Savage, 10th District; Marsh, 29th District.

A BILL FOR AN ACT to amend section 23-362, Reissue Revised Statutes of Nebraska, 1943, relating to support of Indians; to change the manner state funds are distributed; to provide that reports be submitted to the Governor; and to repeal the original section.

LEGISLATIVE BILL 872. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; Mahoney, 5th District; Barnett, 26th District; Luedtke, 28th District; F. Lewis, 45th District.

A BILL FOR AN ACT relating to alcoholic liquors; to provide for salesmen's permits for representatives of manufacturers or distributors; to provide procedures; to provide penalities; to amend section 53-103, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 873. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; Mahoney, 5th District; Barnett, 26th District; Luedtke, 28th District; Skarda, 7th District; Nichol, 48th District; F. Lewis, 45th District.

A BILL FOR AN ACT to adopt the American Indian Arts and Crafts Sales Act; to define terms; to specify certain requirements; and to provide severability.

LEGISLATIVE BILL 874. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; Mahoney, 5th District; Barnett, 26th District; Luedtke, 28th District; Skarda, 7th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 59-1608, 59-1610, and 59-1617, Revised Statutes Supplement, 1974, relating to the Consumer Protection Act; to provide powers and duties of the Attorney General as prescribed; to provide remedies available to the court upon finding of a violation; to place a limit on the amount of civil penalties; to provide provisions relating to consent judgments and when such judgments shall become effective; and to repeal the original sections, and also section 59-1614, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 875. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; Mahoney, 5th District; Barnett, 26th District; Luedtke, 28th District; Skarda, 7th District; Nichol, 48th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 53-103, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to define terms; to provide for licensed sales territories as prescribed; to provide procedures; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 876. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; Mahoney, 5th District; Barnett, 26th District; Luedtke, 28th District; Skarda, 7th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 53-123.02, 53-123.03, 53-131, 53-142, 53-160, and 53-164.01, Reissue Revised Statutes of Nebraska, 1943, and section 53-124, Revised Statutes Supplement, 1975, relating to alcoholic liquors; to delete obsolete matter concerning bottle clubs; to change certain fees; to provide for licenses when liquor by the drink has been voted in; to require a separate permit for each manufacturer's shipping point; and to repeal the original sections, and also section 53-160.03 to 53-160.07, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 877. By Public Health and Welfare Committee: Kennedy, 21st District; R. Lewis, 38th District; Fowler, 27th District; Kelly, 35th District; Maresh, 32nd District; Moylan, 6th District.

A BILL FOR AN ACT to amend sections 71-147, 71-149, 71-155, 71-156, and 71-159, Reissue Revised Statutes of Nebraska, 1943, relating to health licensure; to provide additional grounds for denial, suspension or revocation of a professional license; to define conviction; to provide alternatives to suspension or revocation of licenses; to provide for reinstatement; to allow continuing education to be a condition for relicensure; to permit voluntary surrender or limitation of licenses; to allow the denial, limitation, suspension or revocation of licenses because of physical or mental illness, deterioration or disability; to provide for automatic suspension for mental illness as prescribed; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 878. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 79-102.01, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to eliminate a restriction; to provide that certain districts shall be dissolved; and to repeal the original section.

LEGISLATIVE BILL 879. By Bereuter, 24th District.

A BILL FOR AN ACT to amend sections 83-1,142 and 83-1,143.01, Revised Statutes Supplement, 1974, relating to mental retardation; to provide duties of the director of the office of mental retardation; to authorize the establishment of mental retardation region governing boards; to provide membership; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 880. By Bereuter, 24th District.

A BILL FOR AN ACT to amend sections 32-704 and 32-711, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to provide that copies of initiative petitions shall be sent to the county court of each county; to reduce the required number of publications of initiative petitions; and to repeal the original sections.

LEGISLATIVE BILL 881. By Savage, 10th District.

A BILL FOR AN ACT to amend section 33-141, Reissue Revised Statutes of Nebraska, 1943, relating to rates for the publication of legal notices; to provide for an exception to the legal rate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 882. By Miscellaneous Subjects Committee: F. Lewis, 45th District; Skarda, 7th District; Nichol, 48th District; Murphy, 17th District; Mahoney, 5th District.

A BILL FOR AN ACT to amend section 53-102, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to provide that persons sixteen years old or older may sell beer and dispose of alcoholic containers in the course of their employment; and to repeal the original section.

LEGISLATIVE BILL 883. By Burbach, at request of Governor.

A BILL FOR AN ACT to amend Laws 1975, LB 605, section 10, Laws 1975, LB 607, sections 7, 9, and 18, Laws 1975, LB 604, section 7, as amended by section 9, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, and Laws 1975, LB 607, sections 8 and 26, as amended by sections 29 and 32, respectfully, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, relating to appropriations; to increase certain cash and revolving fund appropriations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 884. By Revenue Committee: Carsten, 2nd District, Chairman; Cope, 36th District; Keyes, 3rd District; Dworak, 22nd District; Skarda, 7th District; Rasmussen, 41st District; Mahoney, 5th District.

A BILL FOR AN ACT to amend section 60-305.09, Revised Statutes Supplement, 1975, relating to motor vehicles; to provide for the transfer of registration of motor vehicles; to provide an application fee for transfer; to provide for prorationing of registration fees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 885. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 35-702 to 35-704, Reissue Revised Statutes of Nebraska, 1943, relating to the Commission on Fire Fighting; to change the membership of the commission; to create the Nebraska Fire Service Training Agency and Fire Training Academy; to create a cash fund; to define terms; to provide an operative date; to repeal the original sections; and to declare an emergency.

NOTICE OF COMMITTEE HEARING

Revenue

LB 786 Tuesday, January 27, 1976 1:30 P.M.

(Signed) Calvin F. Carsten, Chairman

GENERAL FILE

LEGISLATIVE BILL 398. Title read. Considered.

Standing Committee amendments found in the Journal on page 1326 for the Sixty-fourth Day, First Session, were considered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 21 ayes, 5 nays and 23 not voting.

Mr. Savage moved the Call be raised. The motion prevailed.

Standing Committee amendments were adopted with 26 ayes, 12 nays and 11 not voting.

Mr. Mills moved to indefinitely postpone.

Mr. Skarda moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 20 nays and 6 not voting.

Mr. Mills requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 31:

Anderson	Barnett	Bereuter	Burbach	Burrows
Chambers	Clark	Cope	Duis	Dworak
Fowler	George	Hasebroock	Johnson	Kelly
Kennedy	Kime	Koch	Kremer	F. Lewis
R. Lewis	Maresh	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Stull	Warner
Wiltse				

Voting in the negative, 16:

Carsten	Cavanaugh	DeCamp	Fitzgerald	Goodrich
Luedtke	Mahoney	Marsh	Marvel	Savage
Schmit	Simpson	Skarda	Stoney	Swigart
Syas				

Not voting, 2:

Dickinson	Keyes

The motion prevailed with 31 ayes, 16 nays and 2 not voting.

UNANIMOUS CONSENT—Bracket LB 579

Mr. F. Lewis asked unanimous consent to bracket LB 579 until Friday, January 23, 1976. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 162
January 19, 1976

Dear Senator Koch:

In your letter of January 7, 1976, you enclosed a copy of a proposed constitutional amendment which would amend Article VIII, Section 1, of the Nebraska Constitution by adding at the end thereof the following language:

> "... The Legislature may provide that agricultural land, railroad right-of-way land, all other land and improvements to land shall constitute separate and distinct classes of property for purposes of taxation; Provided, that the proportionate rates set for each class established by the Legislature, if different, shall apply to all governmental subdivisions in a county only after it has been approved by a majority of the voters in that county."

Since we are speaking of a proposed constitutional amendment, rather than a statute, we need not consider any conflicts between the proposed provisions and other provisions of the state Constitution. While it might not be impossible for a constitutional provision to be so inconsistent with, and repugnant to, other provisions of the same constitution as to be invalid, this would be very unusual, and we do not consider any such conflict to be involved here. There remains, however, the question of a possible conflict with the federal Constitution.

The Fourteenth Amendment to the federal Constitution prohibits a state to make or enforce any law abridging the privileges or immunities of citizens of the United States, or to deny to any person in its jurisdiction the equal protection of the laws. In general, this would present the same question of class legislation which we are accustomed to consider in connection with the Nebraska Constitution.

With respect to creating separate classes consisting of (1) agricultural land, (2) railroad right-of-way land, and (3) all other land and improvements to land, we believe the court would sustain such classifications. In Stahmer v. State, 192 Neb. 63, 218 N.W. 2d 893 (1974), the court repeated the general rule that it is competent for the Legislature to classify for purposes of legislation, if the classification rests on some reason of public policy, some substantial difference of situation or circumstance, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. The same criteria should apply with respect to classifications created by the state Constitution, when we consider whether the classifications would withstand scrutiny in light of the federal Constitution.

In that same case the court upheld legislation which gave preferential treatment with respect to taxation to property used in agricultural production, saying:

> ". . . There can well be public policy reasons for the grant of these exemptions. It is generally recognized that persons engaged in agricultural pursuits and in businesses with large inventories are, in proportion to ability to pay, heavily taxed. A legislative desire to equalize the tax burden with, for example, individuals with major investments in untaxed intangible personal property is not unreasonable."

We assume that, if this constitutional amendment were passed, the court would use the same reasoning to justify the creation of the class of agricultural lands.

So far as the class consisting of railroad right-of-way land is concerned, we anticipate no trouble with that class. As a matter of fact, the assessment and equalization of railroad property is already treated differently from the assessment and equalization of other property. See sections 77-601 to 77-675, R.R.S. 1943. Special legislation dealing with railroads is very common, and we would certainly anticipate no difficulty in sustaining a constitutional provision making railroad right-of-way land a special class, if attacked as being a violation of the Fourteenth Amendment to the federal Constitution.

The third class provided by the proposed constitutional amendment would be "all other land and improvements to land." The only other type of property subject to taxation which occurs to us is personal property, and Article VIII, Section 2 of the Constitution already authorizes the Legislature to classify personal property in such manner as it sees fit. If, therefore, the first two classes of real estate are proper classes, and if all personal property is a proper class, it follows automatically that all other land and improvements to land must be a proper class to itself. We therefore see no difficulty with the basic classes set up by this proposed constitutional amendment.

However, we see many difficulties with respect to the proviso that the provisions to be set up by the Legislature shall be applicable in the various counties only after having been approved by a majority of the voters in that county. We have not attempted to fully explore all of the ramifications of such a provision. We believe there may be some state funds distributed to political subdivisions which might be put into a chaotic condition by the situation of the various counties acting under different ground rules. However, an exploration into that area is not commensurate with a prompt response to your letter of inquiry.

The most obvious difficulty with the provision about permitting each county to decide whether different rules, to be set by the Legislature, with respect to the rates of assessment or taxation of the different classes shall apply to it is that chaos, and probably unequal treatment of taxpayers would result with respect to overlapping taxing districts. We, of course, have no way of knowing what specific provisions the Legislature would make in implementation of this constitutional provision. However, we must assume that it would result in different amounts of taxes being levied against real estate, depending upon whether or not the particular county approved or disapproved the proposal. In the case of an overlapping taxing district, lying in two or more counties, one of which had approved coming under the legislative scheme, and the other of which had not, this would result in identical taxpayers paying different amounts of tax for the same taxing entity, depending upon which side of the county line the taxpayer's real estate lay upon. This, we believe, would deny the more heavily taxed taxpayer equal protection of the laws, and would constitute unreasonable classification. We therefore have serious reservations about the validity of the local option provision in the proposed constitutional amendment.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce & Insurance

LB 660 Tuesday, January 27, 1976, Room 2230 1:30 p.m.

LB 763	Tuesday, January 27, 1976, Room 2230	1:30 p.m.

(Signed) J. R. Murphy, Chairman

Nebraska Retirement Systems

LB 643	Friday, January 30, 1976, Room 1019	12:30 p.m.
LB 644	Friday, January 30, 1976, Room 1019	12:30 p.m.
LB 645	Friday, January 30, 1976, Room 1019	12:30 p.m.

(Signed) W. H. Hasebroock, Chairman

Urban Affairs

LB 711	Wednesday, January 28, 1976	1:30 p.m.
LB 773	Wednesday, January 28, 1976	1:30 p.m.
LB 776	Wednesday, January 28, 1976	1:30 p.m.
LB 790	Wednesday, January 28, 1976	1:30 p.m.

(Signed) Steve Fowler, Chairman

Public Health and Welfare

LB 714	Monday, Feb. 9, 1976	1:30 p.m.
LB 741	Monday, Feb. 9, 1976	1:30 p.m.
LB 794	Monday, Feb. 9, 1976	1:30 p.m.

(Signed) Thomas C. Kennedy, Chairman

Public Works

LB 780	Wednesday, January 28, 1976	1:30 p.m.
LB 781	Wednesday, January 28, 1976	1:30 p.m.
LB 827	Wednesday, January 28, 1976	1:30 p.m.
LB 784	Thursday, January 29, 1976	1:30 p.m.
LB 792	Thursday, January 29, 1976	1:30 p.m.
LB 823	Thursday, January 29, 1976	1:30 p.m.
LB 768	Wednesday, February 4, 1976	1:30 p.m.
LB 795	Wednesday, February 4, 1976	1:30 p.m.
LB 820	Wednesday, February 4, 1976	1:30 p.m.
LB 791	Thursday, February 5, 1976	1:30 p.m.
LB 821	Friday, February 6, 1976	1:30 p.m.

(Signed) Maurice A. Kremer, Chairman

Constitutional Revision and Recreation

LB 808	Friday, January 30, 1976	1:30 p.m.
LB 770	Thursday, February 5, 1976	1:30 p.m.
LB 797	Thursday, February 5, 1976	1:30 p.m.
LB 771	Thursday, February 12, 1976	1:30 p.m.
LB 779	Thursday, February 12, 1976	1:30 p.m.
LB 812	Thursday, February 12, 1976	1:30 p.m.
LB 817	Friday, February 6, 1976	1:30 p.m.
LB 834	Friday, February 6, 1976	1:30 p.m.
LB 835	Friday, February 13, 1976	1:30 p.m.

(Signed) George Syas, Chairman

Government, Military and Veterans Affairs

LB 727	Friday, January 30, 1976	1:30 p.m.
LB 736	Friday, January 30, 1976	1:30 p.m.
LB 759	Friday, January 30, 1976	1:30 p.m.
LB 767	Friday, January 30, 1976	1:30 p.m.
LB 740	Thursday, February 5, 1976	1:30 p.m.
LB 787	Thursday, February 5, 1976	1:30 p.m.
LB 793	Thursday, February 5, 1976	1:30 p.m.
LB 805	Thursday, February 5, 1976	1:30 p.m.
LB 802	Friday, February 6, 1976	1:30 p.m.
LB 810	Friday, February 6, 1976	1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Dworak asked unanimous consent to print the following amendments to LB 383 in the Journal. No objections. So ordered.

AMENDMENT TO LB 383

1. Insert a new section 1 as follows:

"Section 1. That section 79-102.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-102.01. After June 1, 1971, no new school district shall be created unless such district provides instruction in kindergarten through grade twelve or a Class VI district providing instruction in grades seven through twelve. ~~, but no Class VI district shall be formed within five miles of an existing Class III, IV, or V school district unless~~ such Class III, IV, or V ~~school district shall have voted by a fifty five per cent majority vote to be a part of the Class VI district.~~".

2. On page 3, line 11, strike "section" and insert "sections 79-102.01 and".

3. Renumber original sections 1 and 2 as new sections 3 and 4 respectively.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 886. By Skarda, 7th District.

A BILL FOR AN ACT relating to insurance; to provide for mandatory motor vehicle liability insurance; and to provide for enforcement.

LEGISLATIVE BILL 887. By Cavanaugh, 9th District.

A BILL FOR AN ACT to adopt the Family Rights and Privacy Act of Nebraska.

LEGISLATIVE BILL 888. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 31-711.05, 31-753, 77-207, 77-631, 77-1005, 77-1718, and 77-1809, Reissue Revised Statutes of Nebraska, 1943, relating to delinquent taxes and special assessments; to change the rate of interest delinquent installments on special assessment and delinquent taxes shall bear as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 889. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 31-735, Revised Statutes Supplement, 1974, relating to sanitary and improvement districts; to provide that members of the board of trustees be elected at a special election as prescribed; to provide duties of the county clerk or election commissioner; to provide for reimbursement costs of election by the district; and to repeal the original section.

LEGISLATIVE BILL 890. By Government, Military and Veterans Affairs Committee: Rasmussen, 41st District, Chairman; George, 16th District; Chambers, 11th District; Koch, 12th District; Duis, 39th District; Stoney, 4th District.

A BILL FOR AN ACT relating to bonds; to provide blanket surety bond coverage for state employees; to amend sections 2-1201, 2-1505, 3-103, 8-104, 8-105, 11-120, 11-201, 48-158, 48-609, 48-618, 48-701, 53-109, 55-123, 55-126, 55-127, 55-150, 57-917, 60-432, 60-1303, 60-1502, 71-222.01, 71-2611, 71-3808, 72-1241, 80-401.02, 81-111, 81-151, 81-811, 81-8,128, 83-101.02, 83-128, 84-106, and 84-801, Reissue Revised Statutes of Nebraska, 1943, sections 48-804.03, 81-1108.14, and 84-206, Revised Statutes Supplement, 1974, and sections 11-119, 68-703, and 71-1,132.11, Revised Statutes Supplement, 1975; and to repeal the original sections.

LEGISLATIVE BILL 891. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 48-816, Reissue Revised Statutes of Nebraska, 1943, relating to the Court of Industrial Relations; to provide additional powers to the court as prescribed; and to repeal the original section, and also section 79-1290, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 892. By Judiciary Committee: Luedtke, 28th District, Chairman; Syas, 13th District; Anderson, 37th District; Schmit, 23rd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to operator's licenses; to provide for deposit of an operator's license as security to appear in court as prescribed; to provide for the return of such license; and to provide for failure of operator to appear.

LEGISLATIVE BILL 893. By Judiciary Committee: Luedtke, 28th District, Chairman; Syas, 13th District; Anderson, 37th District; Schmit, 23rd District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 60-427, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to remove a restriction on suspension or impoundment of an operator's license; and to repeal the original section.

LEGISLATIVE BILL 894. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1975, relating to taxation; to provide a credit against tax for improvements to real property as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 895. By Wiltse, 1st District.

A BILL FOR AN ACT to amend sections 28-1212, 28-1213, and 28-1214, Revised Statutes Supplement, 1974, relating to crimes and punishments; to increase minimum penalties for no-fund or insufficient-fund checks and other instruments; to provide for restitution; to provide for collection by the sheriff; and to repeal the original sections.

LEGISLATIVE BILL 896. By Wiltse, 1st District.

A BILL FOR AN ACT to amend sections 8-1103 and 8-1111, Reissue Revised Statutes of Nebraska, 1943, relating to the sale of securities; to authorize the offerings of securities made pursuant to federal standards as prescribed; to exempt certain transactions involving twenty-five or fewer people; to permit sales of securities by small companies as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 897. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 16-667, 16-670, 19-2402, 19-2403, 19-2404, 19-2405, 19-2406, and 19-2407, Reissue Revised Statutes of Nebraska, 1943, and section 16-668, Revised Statutes Supplement, 1975, relating to sewer and water improvements; to grant increased authority to create and improve sewer and water districts in cities of the first class; to provide for connection fees in lieu of special assessments; to provide procedures for determining the amount and the collection of connection fees; to provide for paying the costs of improvements; to grant increased authority for sewer and water improvements in cities of the first and second classes and villages; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 898. By Marsh, 29th District.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Department of Public Institutions to sell certain land; and to declare an emergency.

LEGISLATIVE BILL 899. By Duis, 39th District.

A BILL FOR AN ACT to amend section 81-885.14, Revised Statutes Supplement, 1974, relating to the State Real Estate Commission; to change when the annual license renewal fee is due; to provide when licenses shall be canceled; to provide for a late renewal application and additional fee; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 900. By Cope, 36th District; Duis, 39th District.

A BILL FOR AN ACT to repeal section 77-1331, Reissue Revised Statutes of Nebraska, 1943, relating to taxation.

LEGISLATIVE BILL 901. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 28-964.03 and 28-964.04, Revised Statutes Supplement, 1974, relating to lotteries; to require that gross proceeds of a lottery shall be used for charitable or community betterment purposes; and to repeal the original sections.

LEGISLATIVE BILL 902. By Fowler, 27th District.

A BILL FOR AN ACT relating to energy; to establish the State Energy Office; to prescribe duties and responsibilities; to create the Nebraska Energy Advisory Committee; to provide membership; to prescribe duties; to require annual reports; and to encourage development of alternate energy sources.

LEGISLATIVE BILL 903. By Clark, 47th District; Marvel, 33rd District.

A BILL FOR AN ACT to amend section 77-27,136, Reissue Revised Statutes of Nebraska, 1943, as amended by section 4, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, section 77-27,137.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 5, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, section 79-1333, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, section 77-202.22, Revised Statutes Supplement, 1974, as amended by section 2, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, section 77-202.30, Revised Statutes Supplement, 1974, as amended by section 3, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, section 79-4,160, Revised Statutes Supplement, 1974, as amended by section 7, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, and section 43-648, Revised Statutes Supplement, 1975, as amended by section 1, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, relating to state funds; to change the distribution of certain payments as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 904. By Rasmussen, 41st District.

A BILL FOR ACT to amend sections 67-202, 67-209, 67-210, 67-219, 67-225, and 67-232, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Limited Partnership Act; to provide for acknowledgment; to provide provisions relating to the removal or failure of reelection of a general partner; to provide for payment of partnership property to limited partners as prescribed; to provide when certain assignees may not vote; to provide who may sign the writing to amend or cancel a certificate; to change recording fees; and to repeal the original sections.

LEGISLATIVE BILL 905. By Appropriations Committee: Marvel, 33rd District, Chairman; Marsh, 29th District; Goodrich, 20th District; Simpson, 46th District; Savage, 10th District; Bereuter, 24th District; Johnson, 15th, District; Stull, 49th District; Clark, 47th District.

A BILL FOR AN ACT relating to the Department of Economic Development; to provide for a population study of American Indians in Nebraska.

LEGISLATIVE BILL 906. By Kremer, 34th District.

A BILL FOR AN ACT to amend section 79-1701, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to exempt private, denominational, and parochial schools from the laws applicable to public schools; to provide an exception; and to repeal the original section, and also sections 79-1702, 79-1703, 79-1706, and 79-1707, Reissue Revised Statutes of Nebraska, 1943, and section 79-1705, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 907. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 79-490, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that transportation shall be permissive for Class III districts; and to repeal the original section.

LEGISLATIVE BILL 908. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 43-208, Revised Statutes Supplement, 1974, and section 43-210, Revised Statutes Supplement, 1975, relating to juvenile courts; to eliminate procedures for revoking probation or supervision; to provide procedures for a review or change of disposition as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 909. By Moylan, 6th District.

A BILL FOR AN ACT relating to public health and welfare; to allow drug product selection by a pharmacist; to provide duties of each pharmacist and the Department of Health as prescribed; and to provide penalties.

LEGISLATIVE BILL 910. By Bereuter, 24th District.

A BILL FOR AN ACT to create the office of the Consumer Counsel; to provide for the appointment of the Consumer Counsel; to authorize the employment of staff and assistants; to provide office space; to prescribe duties and responsibilities; to provide for procedures before the Public Service Commission as prescribed; to create the Consumer Counsel Cash Fund; to provide funding thereof; to provide penalties for unlawful acts as prescribed; and to provide severability.

LEGISLATIVE BILL 911. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 41-102, Reissue Revised Statutes of Nebraska, 1943, relating to hotels and inns; to redefine what shall be deemed to be a boarding house as prescribed; and to repeal the original section.

LEGISLATIVE BILL 912. By Warner, 25th District.

A BILL FOR AN ACT to amend section 2-955, Revised Statutes Supplement, 1975, relating to weed eradication and control; to strike provisions relating to the power of the weed control authority to destroy weeds on private land as prescribed; and to repeal the original section.

LEGISLATIVE BILL 913. By Judiciary Committee: DeCamp, 40th District, Vice-Chairman; Schmit, 23rd District; Barnett, 26th District; Nichol, 48th District; Anderson, 37th District.

A BILL FOR AN ACT to amend sections 42-101, 42-206, 42-347, 42-361, and 42-603, Reissue Revised Statutes of Nebraska, 1943, and section 42-365, Revised Statutes Supplement, 1974, relating to husband and wife; to provide that the state shall not impair the civil marriage contract; to authorize interspousal marriage contracts and provide the force and effect thereof; to provide marital rights, duties, and liabilities; to provide for the division of property; to provide rights to insurance; and to repeal the original sections.

LEGISLATIVE BILL 914. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 77-202.25, Revised Statutes Supplement, 1974, relating to revenue and taxation; to provide a limitation on the maximum personal property tax exemption; to repeal the original section, and also sections 77-202.26 to 77-202.29, Revised Statutes Supplement, 1974; and to declare an emergency.

LEGISLATIVE BILL 915. By Stull, 49th District.

A BILL FOR AN ACT to amend sections 71-1504 and 71-1544, Reissue Revised Statutes of Nebraska, 1943, relating to housing; to eliminate requirements for elections; to provide for the manner for issuing bonds; to provide for gifts and loans by cities and villages to aid and assist housing authorities; to provide for the issuance of general obligation bonds by cities and villages; to provide for loan agreements between cities and villages and housing authorities; to provide for the fixing of rental rates; to provide for severability; to repeal the original sections, and also section 71-1507, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 916. By Murphy, 17th District.

A BILL FOR AN ACT to amend sections 44-224.04 and 44-325, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to change provisions relating to the merging of domestic stock insurance companies as prescribed; to provide that dividends be declared or paid from earned surpluses; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 917. By Murphy, 17th District.

A BILL FOR AN ACT to adopt the Professional Liability Insurance Availability Act; to provide for severability; and to declare an emergency.

LEGISLATIVE BILL 918. By Anderson, 37th District.

A BILL FOR AN ACT relating to taxation; to provide for an income tax checkoff for political parties; to create the Nebraska Election Campaign Fund; to provide for the administration of the fund; and to prescribe duties.

REFERENCE COMMITTEE REPORT

January 20, 1976

Mr. President:

The Legislative Council Executive Board respectfully requests that Legislative Bills No. 845 through 878 be referred to standing committees as per the attached listing.

(Signed) Eugene Mahoney, Chairman; Wally Barnett, Vice Chairman; John S. Savage; J. W. Burbach; R. Lewis; Dennis Rasmussen; R. D. Kelly; John Cavanaugh; Loran Schmit.

LB	Committee	LB	Committee
845	Gov. Mil. & Vets. Afrs.	862	Public Works
846	Public Works	863	Revenue
847	Appropriations	864	Labor
848	Labor	865	Judiciary
849	Misc. Subjects	866	Education
850	Revenue	867	Appropriations
851	Revenue	868	Appropriations
852	Education	869	Appropriations
853	Education	870	Education
854	Education	871	Appropriations
855	Education	872	Misc. Subjects
856	Judiciary	873	Misc. Subjects
857	Judiciary	874	Misc. Subjects
858	Judiciary	875	Misc. Subjects
859	Judiciary	876	Misc. Subjects
860	Judiciary	877	Pub. Hlth. & Wel.
861	Cons. Rev. & Rec.	878	Education

January 20, 1976

Mr. President:

The Legislative Council Executive Board respectfully requests that Legislative Bills No. 879 through 899 be referred to standing committees as per the attached listing.

(Signed) Eugene Mahoney, Chairman; Wally Barnett, Vice Chairman; John S. Savage; J. W. Burbach; R. Lewis; Dennis Rasmussen; John Cavanaugh; R. D. Kelly; Loran Schmit.

LB	Committee	LB	Committee
879	Pub. Hlth. & Wel.	890	Gov. Mil. & Vets. Afrs.
880	Gov. Mil. & Vets. Afrs.	891	Labor
881	Misc. Subjects	892	Judiciary
882	Misc. Subjects	893	Judiciary
883	Appropriations	894	Revenue
884	Revenue	895	Judiciary
885	Gov. Mil. & Vets. Afrs.	896	Bkg. Comm. & Ins.
886	Bkg. Comm. & Ins.	897	Urban Affairs
887	Education	898	Misc. Subjects
888	Revenue	899	Bkg. Comm. & Ins.
889	Public Works		

ANNOUNCEMENT

Speaker Burbach announced that Governor J. J. Exon will present his budget address to the Legislature at 10:00 a.m. on Tuesday, January 27, 1976.

UNANIMOUS CONSENT–Member Excused

Mr. Dworak asked unanimous consent to be excused this afternoon. No objections. So ordered.

VISITORS

The President introduced 15 students and sponsor from Dana College and 80 senior students and sponsor from Albion Hi.

RECESS

At 12:00 Noon, on a motion by Speaker Burbach, the Legislature recessed until 4:30 p.m.

AFTER RECESS

The Legislature reconvened at 4:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Duis who was excused until he arrives and Messrs. Dworak and Moylan who were excused.

UNANIMOUS CONSENT–Change of Hearing Room

Mr. Rasmussen asked unanimous consent to change the Government, Military and Veterans Affairs Committee hearing from room 2102 to room 1019, Friday, January 23, 1976, 1:30 p.m. on LB 698, LB 699, LB 705 and LB 709. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 919. By Warner, 25th District.

A BILL FOR AN ACT relating to property taxation; to restate the method of levying taxes; to amend sections 2-203, 2-203.02, 2-203.03, 2-203.05, 2-203.06, 2-1560, 2-1604, 2-2311, 2-2444, 3-504.02, 3-603, 3-605, 3-613, 3-707, 10-409, 12-402, 12-914, 12-923, 14-365.01, 14-514, 14-1026, 14-1805, 14-1821, 16-203, 16-702, 16-675, 16-678, 16-688, 16-693, 16-694, 17-229, 17-230, 17-231, 17-506, 17-508.02, 17-545, 17-702, 17-703, 17-713, 17-718, 17-925.01, 17-938, 17-955, 17-957, 17-964, 18-501, 18-512, 18-1005, 18-1201, 18-1202, 18-1203, 18-1204, 18-1205, 18-1503, 18-1505, 18-2107, 19-1302, 19-1309, 19-1402, 19-2102, 21-17,126, 23-259, 23-276, 23-320.05, 23-320.06, 23-320.07, 23-320.11, 23-343.11, 23-343.46, 23-344, 23-351, 23-355.01, 23-360, 23-362, 23-501, 23-801, 23-802, 23-804, 23-918, 23-930, 23-2604, 23-2611, 31-410.01, 31-411.02, 31-414, 31-424.01, 31-447, 31-513, 31-540, 31-711, 31-827, 31-905, 32-4,114, 39-801, 39-1002, 39-1008, 39-1621, 39-1634, 39-1636.01, 39-1637, 39-1649, 39-1902, 39-1903, 39-1905, 39-1906, 46-139, 46-1,127, 46-543, 46-544, 46-553, 46-631, 46-673, 51-201, 51-316, 51-501, 68-620, 68-620.01, 70-651.04, 71-1611, 71-1629.01, 71-2910, 74-1306, 77-1241.04, 77-1241.06, 77-1252, 77-1506.05, 77-1506.07, 77-1506.08, 77-1603, 77-1604, 77-1605, 77-1615, 77-1627, 79-422, 79-451, 79-471, 79-481, 79-506.03, 79-548.01, 79-904, 79-1007, 79-1007.02, 79-1036, 79-1052, 79-1103.02, 79-1103.03, 79-1303, 79-1335, 79-2210, 79-2313, 80-102, 81-815.34, 86-402, and 86-405, Reissue Revised Statutes of Nebraska, 1943, sections 57-919, 71-1701, 79-320.01, 79-432, 79-903, and 83-1,142, Revised Statutes Supplement, 1974, and sections 2-201, 2-203.01, 2-3225, 3-504, 19-3315, 23-120, 35-508, 35-509, and 79-2650, Revised Statutes Supplement, 1975; and to repeal the original sections.

LEGISLATIVE BILL 920. By Kime, 43rd District.

A BILL FOR AN ACT to amend section 79-1103.05, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that the tuition of certain high school students attending school outside their school district may be paid as prescribed; to provide for appeals; and to repeal the original section.

LEGISLATIVE BILL 921. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1974, relating to sales and use tax; to exempt from sales and use taxes meals and food products provided to elderly, aged, sick, infirm, or handicapped persons by nonprofit organizations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 922. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 53-127, Reissue Revised Statutes of Nebraska, 1943, relating to alcoholic liquors; to provide for issuance of a class C license to the State Board of Agriculture; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 923. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 77-202.12, Revised Statutes Supplement, 1974, relating to revenue and taxation; to redefine a qualified claimant for homestead exemption; and to repeal the original section.

LEGISLATIVE BILL 924. By Schmit, 23rd District.

A BILL FOR AN ACT relating to labor; to provide that persons receiving unemployment compensation shall take public service employment as prescribed; to provide procedures; to allow for time off for interviews with prospective employers; and to provide for the adoption of rules and regulations.

LEGISLATIVE BILL 925. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 81-1434, Revised Statutes Supplement, 1974, relating to the Nebraska Commission on Drugs; to provide for certification of drug treatment and rehabilitation facilities; and to repeal the original section.

LEGISLATIVE BILL 926. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 42-358, Revised Statutes Supplement, 1975, relating to divorce and alimony; to provide for additional information for child support proceedings; to require assistance from all governmental agencies in child support collection; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 927. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Department of Public Institutions; to authorize and direct the department to acquire prescribed properties in Wahoo; to provide the use for such property; to provide the manner of acquisition; and to declare an emergency.

LEGISLATIVE BILL 928. By George, 16th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to provide that salaries for members of the Legislature shall be set by a vote of county board chairmen; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 929. By Stull, 49th District.

A BILL FOR AN ACT to repeal sections 84-151 to 84-160, Revised Statutes Supplement, 1975, relating to comprehensive development plans.

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Kennedy asked unanimous consent to use the West Senate Chamber for Public Hearing on LB 703 and LB 735 on January 27, 1976. No objections. So ordered.

UNANIMOUS CONSENT—Withdraw LB 870

Mr. Clark asked unanimous consent to withdraw LB 870.

Mr. Simpson raised a point of order on the request laying over one day according to the rules.

Laid over.

UNANIMOUS CONSENT—Return LB 708 to Legislature

Mr. Savage asked unanimous consent to have the Agriculture and Environment Committee return LB 708 to the Legislature without action. No objections. So ordered.

MOTION—Withdraw LB 708

Mr. Savage moved to withdraw LB 708.

Laid over.

UNANIMOUS CONSENT—Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 202 in the Journal. No objections. So ordered.

AMENDMENT TO LB 202

1. On page 2, line 13, after the period insert: "Any incremental increase in state funds that may be required for the fiscal years commencing July 1, 1976, 1977, 1978, and 1979 shall be treated as an express obligation by the State Board of Equalization and Assessment. The total tax levy of each county shall be reduced by the amount of additional state funds provided pursuant to this section. Any county which fails to reduce its levy shall forfeit any state assistance provided pursuant to this section.".

REFERENCE COMMITTEE REPORT

January 20, 1976

Mr. President:

The Legislative Council Executive Board respectfully requests that

Legislative Bills No. 900 through 921 be referred to standing committees as per the attached listing.

(Signed) Eugene Mahoney, Chairman; Wally Barnett, Vice Chairman; R. D. Kelly; R. Lewis; J. W. Burbach; Dennis Rasmussen; John S. Savage.

LB	Committee	LB	Committee
900	Revenue	911	Agric. & Env.
901	Misc. Subjects	912	Agric. & Env.
902	Gov. Mil. & Vets. Afrs.	913	Judiciary
903	Appropriations	914	Revenue
904	Judiciary	915	Pub. Hlth. & Wel.
905	Misc. Subjects	916	Bkg. Comm. & Ins.
906	Education	917	Pub. Hlth. & Wel.
907	Education	918	Revenue
908	Judiciary	919	Revenue
909	Pub. Hlth. & Wel.	920	Education
910	Public Works	921	Revenue

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 930. By Banking, Commerce and Insurance Committee: Murphy, 17th District, Chairman; Wiltse, 1st District; Swigart, 8th District; Warner, 25th District; Stoney, 4th District.

A BILL FOR AN ACT to amend section 44-1525, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to prescribe additional acts which are unfair practices; and to repeal the original section.

LEGISLATIVE BILL 931. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 53-179, Revised Statutes Supplement, 1974, relating to liquors; to provide when alcoholic liquor may be dispensed; and to repeal the original section.

LEGISLATIVE BILL 932. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 28-964.03, Revised Statutes Supplement, 1974, relating to crimes and punishments; to remove a limitation; to provide for use of proceeds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 933. By DeCamp, 40th District.

A BILL FOR AN ACT relating to corporate farm reports; to require that the Secretary of State destroy records as prescribed; and to repeal sections

76-1501 to 76-1506, Revised Statutes Supplement, 1975.

LEGISLATIVE BILL 934. By DeCamp, 40th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to state administrative agencies; to provide for legislative review of each state agency in order to simplify and condense administrative powers and duties and eliminate duplication and provide greater efficiency in state government as prescribed; to provide duties of the Executive Board of the Legislative Council and the various standing committees of the Legislature; to provide for a maximum life of state agencies; and to declare an emergency.

LEGISLATIVE BILL 935. By DeCamp, 40th District.

A BILL FOR AN ACT relating to gas utilities; to require rate approval of gas rates by the Public Service Commission; to amend sections 14-106, 15-266, 16-679, and 17-528.02, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide procedures; and to repeal the original sections.

LEGISLATIVE BILL 936. By George, 16th District.

A BILL FOR AN ACT relating to motor vehicles; to require that the owner of a motor vehicle shall demonstrate a certificate of liability insurance before registering the motor vehicle; to authorize the posting of a an indemnity bond in lieu of insurance; to prescribe unlawful acts; and to provide penalties.

LEGISLATIVE BILL 937. By Anderson, 37th District.

A BILL FOR AN ACT relating to public health and welfare; to provide for the establishment of recreational trails in the state; to declare intent; and to create the Nebraska Trails Council.

LEGISLATIVE BILL 938. By Anderson, 37th District.

A BILL FOR AN ACT to amend section 45-137, Reissue Revised Statutes of Nebraska, 1943, relating to installment loans; to provide for new methods of computing unearned interest charges on installment loans as prescribed; and to repeal the original section.

LEGISLATIVE BILL 939. By Goodrich, 20th District.

A BILL FOR AN ACT to amend Laws 1975, LB 605, section 6, as amended by section 23, Legislative Bill 6, Eighty-fourth Legislature, First

Special Session, 1975, relating to appropriations; to provide a deficiency appropriation for payments for nursing home care for welfare patients in nursing homes; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 940. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Savage, 10th District; Marsh, 29th District; Bereuter, 24th District; Goodrich, 20th District; Stull, 49th District.

A BILL FOR AN ACT to amend sections 72-240.08 and 72-240.09, Reissue Revised Statutes of Nebraska, 1943, relating to school lands and funds; to provide that the Board of Educational Lands and Funds shall be responsible and make the necessary expenditures for the control of noxious weeds; and to repeal the original sections.

LEGISLATIVE BILL 941. By Keyes, 3rd District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 2, of the Constitution of Nebraska, relating to taxation; to provide tax-exempt status for property used by nonprofit entities for housing the elderly and for property owned by low income individuals as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 942. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 29-901, Revised Statutes Supplement, 1975, relating to bail; to provide the judge with greater discretion in requiring bond as prescribed; and to repeal the original section.

LEGISLATIVE BILL 943. By Banking, Commerce and Insurance Committee: Murphy, 17th District, Chairman; Wiltse, 1st District; Swigart, 8th District; Warner, 28th District; Stoney, 4th District.

A BILL FOR AN ACT to amend section 44-502, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to increase the amount of interest allowed on loans against an insurance policy; and to repeal the original section.

LEGISLATIVE BILL 944. By Appropriations Committee: Marvel, 33rd District, Chairman; Marsh, 29th District; Stull, 49th District; Johnson, 15th District; Goodrich, 20th District; Bereuter, 24th District; Simpson, 46th District; Savage, 10th District; Clark, 47th District.

A BILL FOR AN ACT to amend section 81-1533, Revised Statutes Supplement, 1974, relating to water pollution control; to provide funding for wastewater treatment facilities; to require reports on funds and facilities as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 945. By Urban Affairs Committee: Fowler, 27th District, Chairman; Burrows, 30th District; Koch, 12th District; George, 16th District; Swigart, 8th District.

A BILL FOR AN ACT to repeal section 77-1605.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 946. By Swigart, 8th District.

A BILL FOR AN ACT relating to public contracts; to prohibit certain commitments, obligations, and contracts.

LEGISLATIVE BILL 947. By Luedtke, 28th District.

A BILL FOR AN ACT relating to education; to provide that the State Board of Education may acquire liability insurance as prescribed.

LEGISLATIVE BILL 948. By Murphy, 17th District.

A BILL FOR AN ACT to adopt the Nebraska Cooperative Credit Union Guaranty Corporation Act; to provide operative dates; and to provide severability.

LEGISLATIVE BILL 949. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Commission on Mexican-Americans; to provide that such commission receive and administer any federal funds to be used to assist migrant and seasonal farmworkers as prescribed; and to declare an emergency.

LEGISLATIVE BILL 950. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 39-669.27, Revised Statutes Supplement, 1975, relating to rules of the road; to provide additional points for professional drivers before revocation of license; and to repeal the original section.

LEGISLATIVE BILL 951. By Keyes, 3rd District.

A BILL FOR AN ACT relating to health and accident insurance; to provide for a reduction of premiums if the liability of any insurer has been reduced by other valid insurance policies providing coverage for the same benefits as prescribed.

LEGISLATIVE BILL 952. By Miscellaneous Subjects Committee: Anderson, 37th District, Chairman; F. Lewis, 45th District; Barnett, 26th District; Nichol, 48th District; Luedtke, 28th District.

A BILL FOR AN ACT to amend section 81-1417, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to change the membership of the commission; to provide legislative confirmation; and to repeal the original section.

LEGISLATIVE BILL 953. By Education Committee: F. Lewis, 45th District, Chairman; Kremer, 34th District; Burrows, 30th District; Kime, 43rd District; Rumery, 42nd District.

A BILL FOR AN ACT to repeal section 79-1705, Revised Statutes Supplement, 1974, relating to schools.

LEGISLATIVE BILL 954. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Burrows, 30th District; Maresh, 32nd District; Rumery, 42nd District.

A BILL FOR AN ACT to adopt the Nebraska Commodity Enabling Act; to provide penalties; to provide for severability; and to declare an emergency.

LEGISLATIVE BILL 955. By Public Works Committee: Kremer, 34th District, Chairman; Wiltse, 1st District; R. Lewis, 38th District; Warner, 25th District; Kelly, 35th District.

A BILL FOR AN ACT relating to public health; to provide for the regulation of the construction of water wells, installation of pumps and pumping equipment, and installation of septic tanks as prescribed; to provide definitions; to provide for an examining board; to provide for licensure; to provide for fees; to provide for standards, rules, and regulations; to create a cash fund; to provide for plugging of abandoned holes; to make certain acts unlawful; to provide penalties; to amend section 46-602, Revised Statutes Supplement, 1975, to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 956. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 84-712, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1117.02 and 81-1117.04, Revised Statutes Supplement, 1975, relating to public records; to clarify language and harmonize provisions as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 957. By George, 16th District.

A BILL FOR AN ACT to amend sections 14-203, 19-412, 19-616, and 23-1114.15, Reissue Revised Statutes of Nebraska, 1943, relating to political subdivisions; to provide that a salary increase for city council members and county board members shall be valid only upon a two-thirds vote of the council or board; and to repeal the original sections.

LEGISLATIVE BILL 958. By Schmit, 23rd District.

A BILL FOR AN ACT relating to banks and banking; to define terms; to provide duties of the state investment officer and the Nebraska Investment Council; and to provide provisions relating to time deposit-open accounts as prescribed.

LEGISLATIVE BILL 959. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 77-1802, Reissue Revised Statutes of Nebraska, 1943, and section 77-1804, Revised Statutes Supplement, 1974, relating to taxation; to require that a notice of a tax sale be posted on the property to be sold; and to repeal the original sections.

LEGISLATIVE BILL 960. By Luedtke, 28th District.

A BILL FOR AN ACT relating to bonds of the state and of political subdivisions; to povide (sic) for use of facsimile signatures and seals with respect to the issuance of bonds, interest coupons, and other evidence of indebtedness; to provide for payment of certain expenses incurred in the issuance and sale of bonds, notes, or other evidence of indebtedness; to amend section 10-706, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 961. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 1-119, 1-124, and 1-136, Reissue Revised Statutes of Nebraska, 1943, relating to accountants; to increase the examination fee for candidates for a certificate of certified public accountant; to provide a certification fee as prescribed; to increase the corporate bond; to provide for a deductible accountancy liability policy; and to repeal the original sections.

LEGISLATIVE BILL 962. By Anderson, 37th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XV, of the Constitution of Nebraska, by adding thereto a new section 19, relating to miscellaneous provisions; to provide that no land or other property owned and dedicated for park or recreation purposes by any governmental subdivision shall be subject to condemnation by another governmental subdivision; to provide an exception; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 963. By Chambers, 11th District.

A BILL FOR AN ACT relating to crimes and punishment; to declare certain electrical dart guns as dangerous weapons; to declare certain acts unlawful; to provide penalties; and to provide for records of such guns.

LEGISLATIVE BILL 964. By Dworak, 22nd District.

A BILL FOR AN ACT relating to insurance; to provide certain limitations on reinsurance agreements and retrocession agreements; and to provide a penalty.

LEGISLATIVE BILL 965. By Education Committee: F. Lewis, 45th District, Chairman; George, 16th District; Kime, 43rd District; Fitzgerald, 14th District; Rumery, 42nd District; Kremer, 34th District.

A BILL FOR AN ACT to amend section 79-2201, Reissue Revised Statutes of Nebraska, 1943, and sections 79-2208 and 79-2215, Revised Statutes Supplement, 1974, relating to educational service units; to define a term; to provide powers of educational service units as prescribed; to designate additional districts that may become educational service units or part of an existing unit; and to repeal the original sections.

LEGISLATIVE BILL 966. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 53-103, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to redefine hotel; and to repeal the original section.

ADJOURNMENT

At 5:21 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, January 21, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

ELEVENTH DAY–JANUARY 21, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE SECOND SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 21, 1976

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> O God Heavenly Father, in whom we live and moved and have our being; We humbly pray thee to govern and to guide us. Wilt thou bless the goodness of America!
>
> From the rising of the Sun to the going down of the same—with thy goodness provide us; with thy love inspire us; by thy power protect us.
>
> Help us to live at our best today to make our work such we need never be ashamed of it. Our conduct to others such that we will never regret it.
>
> Keep our thoughts true, our actions honorable, and our minds at peace. Inspire with Your Spirit of wisdom that the legislation enacted will benefit all the people. Grant that resources at hand may be used most effectively to meet the expanding needs of our economy. In the Spirit of the Christ we pray: Amen.

ROLL CALL

The roll was called and all members were present except Mr. Kremer who was excused until he arrives and Mr. Koch who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Tenth Day was approved.

COMMUNICATION

January 16, 1976

Allen J. Beermann
Secretary of State
Suite 2300 State Capitol
Lincoln, Nebraska 68509

Dear Mr. Beermann:

This is to advise you that the ballots and ballot boxes from Scotts Bluff County were returned to Melvin Maxwell, County Clerk, at the Scotts Bluff County Courthouse, Gering, Nebraska, the afternoon of January 14, 1976.

Please find enclosed the original receipt for such ballots signed by Melvin Maxwell.

Sincerely,

(Signed) G. A. Fauver, Investigator III
Criminal Investigation Division
Nebraska State Patrol

GAF:mms
Enclosure

CERTIFICATE OF RECEIPT

I, Melvin Maxwell, County Clerk in and for Scotts Bluff County, Nebraska, do hereby certify that I have on this 4th day of January, 1976, received and taken custody from the Nebraska State Patrol 27 cases of ballots from the 1974 general election held in Scotts Bluff, Nebraska. Further, I hereby certify that all ballot cases were accounted for and all ballot cases remained sealed as certified by the Secretary of State. Further, I hereby determine that the Nebraska State Patrol has properly delivered said ballot cases and are here and now discharged from their duty and obligation, save the delivery of a copy of this executed receipt to the Secretary of State.

Finally, I hereby certify that the ballot cases and seals delivered were as follows:

Box No. 1	Seal No. 0018429	Box No. 15	Seal No. 0018568
Box No. 2	Seal No. 0018560	Box No. 16	Seal No. 0018598
Box No. 3	Seal No. 0018498	Box No. 17	Seal No. 0018505
Box No. 4	Seal No. 0018591	Box No. 18	Seal No. 0018531
Box No. 5	Seal No. 0018526	Box No. 19	Seal No. 0018462
Box No. 6	Seal No. 0018476	Box No. 20	Seal No. 0077690
Box No. 7	Seal No. 0018510	Box No. 21	Seal No. 0018519
Box No. 8	Seal No. 0018402	Box No. 22	Seal No. 0018437
Box No. 9	Seal No. 0018415	Box No. 23	Seal No. 0018405
Box No. 10	Seal No. 0018511	Box No. 24	Seal No. 0018409
Box No. 11	Seal No. 0018514	Box No. 25	Seal No. 0018419
Box No. 12	Seal No. 0018478	Box No. 26	Seal No. 0018512
Box No. 13	Seal No. 0018427	Box No. 27	Seal No. 0035383
Box No. 14	Seal No. 0018595		

(Signed) Melvin Maxwell, County Clerk

Executed this 14 day of January, 1976, at the County Court House, Gering, Nebraska.

NOTICE OF COMMITTEE HEARING
Public Works

LB 837	Friday, January 30, 1976	1:30 p.m.
LB 839	Friday, January 30, 1976	1:30 p.m.

(Signed) Maurice A. Kremer, Chairman

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 650. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

SELECT FILE

LEGISLATIVE BILL 409. Bracketed at the request of Mr. Carsten.

UNANIMOUS CONSENT—Member Excused

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 477. Mr. Murphy renewed his pending amendment found in the Journal on page 1528 for the Seventy-second Day, First Session.

The amendment was adopted with 31 ayes, 0 nays and 18 not voting.

Standing Committee amendments found in the Journal on page 1015 for the Fifty-first Day, First Session, as amended, were adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Chambers moved to indefinitely postpone. The motion lost with 7 ayes, 30 nays and 12 not voting.

Advanced to E & R for Engrossment with 29 ayes, 10 nays and 10 not voting.

MOTION–Legislative Recess

Mrs. Marsh moved to take the state holiday of February 12, 1976 as a Legislative recess day.

Mr. Kelly moved to amend the motion to include Friday, February 13, 1976 also.

Mr. Cavanaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays and 18 not voting.

The Kelly amendment lost with 20 ayes, 22 nays and 7 not voting.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 23 ayes, 14 nays and 12 not voting.

The Call showed 47 members present.

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 23:

Anderson
Fowler
Koch
Marvel
Schmit
Burrows
Goodrich
Kremer
Mills
Simpson
Chambers
Kelly
F. Lewis
Murphy
Swigart
Cope
Keyes
Luedtke
Rumery
Duis
Kime
Marsh
Savage

Voting in the negative, 23:

Barnett
Burbach
Carsten
Cavanaugh
Clark
Dickinson
Dworak
Fitzgerald
George
Hasebroock
Johnson
R. Lewis
Mahoney
Maresh
Moylan
Nichol
Rasmussen
Skarda
Stoney
Stull
Syas
Warner
Wiltse

Not voting, 3:

Bereuter
DeCamp
Kennedy

The motion lost with 23 ayes, 23 nays and 3 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed.

EXPLANATION OF VOTE

Had I been present I would have voted aye on the motion to indefinitely postpone LB 398.

(Signed) James A. Dickinson

UNANIMOUS CONSENT—Return LR 8

Mr. Bereuter asked unanimous consent to return LR 8 to the Legislature from the Constitutional Revision Committee. No objections. So ordered.

MOTION—Withdraw LR 8

Mr. Bereuter moved to withdraw LR 8.

Laid over.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 691	Tuesday, January 27, 1976	
	Cancel Executive Session	1:30 - 2:00
	Insert Agricultural Products Industrial Utilization Committee	1:30 - 2:00
LB 691	Thursday, January 29, 1976	
	State Office of Planning & Programming	2:00
	Department of Roads	3:00
	Public Employees Retirement Board	3:30

LB 743	Thursday, January 29, 1976	4:00
LB 752	Thursday, January 29, 1976	4:00
LB 753	Thursday, January 29, 1976	4:00
LB 756	Thursday, January 29, 1976	4:00

(Signed) Richard D. Marvel, Chairman

Judiciary

LB 718	Monday, February 2, 1976	2:00 p.m.
LB 723	Monday, February 2, 1976	2:00 p.m.
LB 739	Monday, February 2, 1976	2:00 p.m.
LB 744	Tuesday, February 3, 1976	2:00 p.m.
LB 748	Tuesday, February 3, 1976	2:00 p.m.
LB 749	Tuesday, February 3, 1976	2:00 p.m.
LB 750	Tuesday, February 3, 1976	2:00 p.m.
LB 745	Wednesday, February 4, 1976	2:00 p.m.
LB 747	Wednesday, February 4, 1976	2:00 p.m.
LB 751	Wednesday, February 4, 1976	2:00 p.m.
LB 746	Monday, February 9, 1976	2:00 p.m.
LB 772	Monday, February 9, 1976	2:00 p.m.
LB 782	Wednesday, February 11, 1976	2:00 p.m.
LB 807	Wednesday, February 11, 1976	2:00 p.m.
LB 813	Wednesday, February 11, 1976	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Bereuter asked unanimous consent to print the following amendment to LB 248 in the Journal. No objections. So ordered.

Amend Section 10 of LB 248, Line 7 of Page 8, by deleting the period after "engineer" and inserting the following:

; Provided, that the requirement for the preparation of plans and specifications by a registered architect or engineer shall not apply to housing units to be constructed by students of community technical colleges as a part of their training.

RESOLUTIONS

LEGISLATIVE RESOLUTION 112. By Anderson, 37th District; Marvel, 33rd District.

WHEREAS, Federal postal authorities have recently indicated certain policy decisions relating to postal services in low population communities; and

WHEREAS, the implementation of such policy decisions may result in the closing of post office facilities in many small communities in Nebraska; and

WHEREAS, such closing may result in a deprivation of quality postal service to thousands of Nebraskans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE, OF NEBRASKA, SECOND SESSION:

1. That the Legislature oppose the forced closing of post office facilities in small communities of Nebraska.

2. That the Nebraska Congressional delegation is hereby urged to take all measures possible to prevent the closing of post office facilities in small communities in an effort to preserve high quality postal services to rural areas.

3. That a copy of this resolution be sent to each member of the Nebraska Congressional delegation and the Post Master General of the United States.

Laid over.

LEGISLATIVE RESOLUTION 113. By Kremer, 34th District.

WHEREAS, the Legislature has taken the position that there should be protection for the life of the unborn child whenever possible; and

WHEREAS, the Legislature expressly deplores the destruction of unborn human lives which has and will occur in Nebraska and throughout the United States; and

WHEREAS, there is a pitiful lack of legal protection for the right to life of the unborn child in Nebraska and throughout the United States as a result of the United States Supreme Court decision of January 22, 1973.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature of the State of Nebraska hereby request the Congress of the United States to hold hearings on proposed amendments to the Constitution of the United States protecting the right to life of the unborn child.

2. That Congress be urged to submit the best such proposed amendment protecting the right to life of the unborn child to the legislatures of the several states for the purposes of ratification.

3. That such hearings and submission of the proposed amendment to the legislatures of the several states be accomplished by the Congress of the United States in an expeditious manner.

4. That copies of this resolution duly certified by the Secretary of State

with the Great Seal of Nebraska attached to thereto be forwarded by the Secretary of State to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Laid over.

LEGISLATIVE RESOLUTION 114.

Introduced by: Clark, 47th District.

WHEREAS, Mr. Jim Pittenger, the Ticket Manager at the University of Nebraska, is well known to all members of this Legislature; and

WHEREAS, Jim Pittenger has been Secretary of State and provided faithful service in many capacities; and

WHEREAS, Jim Pittenger is a friend to many of the members of this Legislature; and

WHEREAS, Jim Pittenger, our friend and acquaintance, was stricken and incapacitated by a stroke a short time past.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That this Legislature thank Mr. Jim Pittenger for the thoughtfulness he has demonstrated in his work on our behalf.
2. That this Legislature, collectively and individually, wish Mr. Jim Pittenger a quick and complete recovery from the stroke.

Laid over.

UNANIMOUS CONSENT—Member Excused

Mr. Carsten asked unanimous consent to be excused Thursday, January 23, 1976 until he arrives. No objections. So ordered.

REFERENCE COMMITTEE REPORT

January 21, 1976

Mr. President:

The Legislative Council Executive Board respectfully requests that Legislative Bills No. 922 through 933 be referred to standing committees as per the attached listing.

(Signed) Eugene T. Mahoney, Chairman; W. Barnett, Vice-chairman; John S. Savage; R. Lewis; John Cavanaugh; J. W. Burbach; D. Rasmussen; R. D. Kelly; Loran Schmit.

LB	Committee	LB	Committee
922	Misc. Subjects	928	Cons. Rev. & Rec.
923	Revenue	929	Agric. & Env.
924	Labor	930	Bkg. Comm. & Ins.
925	Pub. Hlth. & Wel.	931	Misc. Subjects
926	Judiciary	932	Misc. Subjects
927	Appropriations	933	Agric. & Env.

UNANIMOUS CONSENT—Withdraw Name from LB 934

Mr. Schmit asked unanimous consent to withdraw his name from LB 934. No objections. So ordered.

MOTIONS—Withdraw Bills

Mr. Savage renewed his pending motion found in the Journal on page 304 for the Tenth Day, to withdraw LB 708. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Mr. Clark renewed his pending motion found in the Journal on page 304 for the Tenth Day, to withdraw LB 870. The motion prevailed with 25 ayes, 1 nay and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 454. Title read. Considered.

Standing Committee amendment found in the Journal on page 958 for the Forty-eighth Day, First Session, was adopted with 26 ayes, 0 nays and 23 not voting.

MR. SIMPSON PRESIDING

Advanced to E & R for Review with 31 ayes, 1 nay and 17 not voting.

LEGISLATIVE BILL 514. Title read. Considered.

Standing Committee amendments referred to on page 1425 for the Sixty-eighth Day, First Session were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 31 ayes, 1 nay and 17 not voting.

REFERENCE COMMITTEE REPORTS

January 21, 1976

Mr. President:

The Legislative Council Executive Board respectfully requests that Legislative Bills No. 934 through 943 be referred to standing committees as per the attached listing.

(Signed) Eugene T. Mahoney, Chairman; Wally Barnett, Vice-Chairman; John S. Savage; J. W. Burbach; Richard Lewis; Dennis Rasmussen; John Cavanaugh; R. D. Kelly; Loran Schmit.

LB	Committee	LB	Committee
934	Gov. Mil. & Vets. Affrs.	939	Appropriations
935	Public Works	940	Education
936	Bkg. Comm. & Ins.	941	Cons. Rev. & Rec.
937	Cons. Rev. & Rec.	942	Judiciary
938	Bkg. Comm. & Ins.	943	Bkg. Comm. & Ins.

January 21, 1976

Mr. President:

The Legislative Council Executive Board respectfully requests that Legislative Bills No. 944 through 955 be referred to standing committees as per the attached listing.

(Signed) Eugene T. Mahoney, Chairman; Wally Barnett, Vice-Chairman; John Cavanaugh; Richard Lewis; Dennis Rasmussen; Loran Schmit; J. W. Burbach; John S. Savage; R. D. Kelly.

LB	Committee	LB	Committee
944	Appropriations	950	Public Works
945	Urban Affairs	951	Bkg. Comm. & Ins.
946	Gov. Mil. & Vets. Affrs.	952	Misc. Subjects
947	Education	953	Education
948	Bkg. Comm. & Ins.	954	Agric. & Env.
949	Agric. & Env.	955	Public Works

January 21, 1976

Mr. President:

The Legislative Council Executive Board respectfully requests that Legislative Bills No. 956 through 966 be referred to standing committees as per the attached listing.

(Signed) Eugene T. Mahoney, Chairman; Wally Barnett, Vice-Chairman; Loran Schmit; R. D. Kelly; J. W. Burbach; Dennis Rasmussen; John S. Savage; Richard Lewis; John Cavanaugh.

LB	Committee	LB	Committee
956	General File	962	Cons. Rev. & Rec.
957	Urban Affairs	963	Judiciary
958	Bkg. Comm. & Ins.	964	Bkg. Comm. & Ins.
959	Revenue	965	Education
960	Bkg. Comm. & Ins.	966	Misc. Subjects
961	Misc. Subjects		

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 799	Thursday, January 29, 1976	1:30 p.m.
LB 783	Thursday, January 29, 1976	1:30 p.m.

(Signed) Gary L. Anderson, Chairman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 640. Placed on General File.

LEGISLATIVE BILL 654. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

UNANIMOUS CONSENT—Bracket LB 585

Mr. Luedtke asked unanimous consent to bracket LB 585 until January 26, 1976 on General File. No objections. So ordered.

VISITORS

President Whelan introduced 11 senior high students and teacher from Elk Creek, Nebraska; 10 students and sponsors from Midland College, Fremont, Nebraska.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, January 22, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 22, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> Great is the Lord and greatly to be praised: and His greatness is unsearchable!
>
> Gracious and benevolent Lord, whose providence is given without bias or prejudice, accept our most sincere gratitude for America and the history into which You have set us. Grant that Your goodness and our gratitude shall be one more reason for striving to attain and to maintain the high purposes of our forefathers, and of our faith in this our great land. Bless those in high office with wisdom and with the spirit of compassion, through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kremer, F. Lewis and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 163
January 20, 1976

Dear Senator DeCamp:

You have asked whether Legislative Bill 574 as amended by the Judiciary Committee is constitutional. In particular you question the procedure for arrest provided for in section 3 and you question whether or not the bill is unconstitutionally vague and indefinite. Though we cannot say with certainty that this bill is valid we find that it is probably constitutionally valid.

You mentioned that the proposal as amended was taken from a 1904 California law which was subsequently found to be invalid. The California Penal Code, Sections 597, a,b,c, are virtually identical to L.B. 574. Those sections were in fact found unconstitutional in the early 1900's but the reasoning for that finding had nothing to do with the merits of the statutes but centered around the procedure by which the statutes were enacted.

Section 3 of L.B. 574 authorizes law enforcement personnel to enter any place where there is an exhibition of fighting birds or animals or where preparations are being made for such an exhibition and arrest all persons present. It should be pointed out that under the terms of the act the arrests would be for a misdemeanor offense. In section 29-404.02, R.S.Supp. 1974 it provides:

> "A peace officer may arrest a person without a warrant if the officer has reasonable cause to believe that such a person has committed:
>
> "(1) A felony; or
>
> "(2) A misdemeanor, and the officer has reasonable cause to believe that such person either (a) will not be apprehended unless immediately arrested; (b) may cause injury to himself or others or damage to property unless immediately arrested; (c) may destroy or conceal evidence of the commission of such misdemeanor; or (d) has committed a misdemeanor in the presence of the officer."

Section 3 of L.B. 574 provides that the law enforcement officer may enter a place where there is an exhibition of fighting birds or animals and arrest all persons present. This section appears to be in complete compliance with section 29-404.02(2), (d) in that section 3 of L.B. 574 also permits a peace officer to arrest all persons who have committed a misdemeanor in the presence of that officer; the misdemeanor being the prohibited activity found in sections 1 and 2 of L.B. 574.

In Markham v. Brainard, 178 Neb. 544, 134 N.W.2d 84 (1965), the Nebraska Supreme Court said:

> "It is a fundamental requirement of due process of law that a criminal statute be reasonably clear and definite. A crime must be defined with sufficient definiteness and there must be ascertainable standards of guilt to inform those subject thereto as to what conduct will render them liable to punishment thereunder. State v. Nelson, 168 Neb. 394, 95 N.W.2d 678. . . ."

We see nothing in L.B. 574, as amended by the Judiciary Committee that would make the bill unconstitutionally vague or indefinite. While it is true that the activity prohibited by L.B. 574 is quite broad, that by itself does not make the bill subject to attack as unconstitutionally vague and indefinite. We would point out that the California statute mentioned above, has provisions nearly identical to those of L.B. 574, and that statute which is still on the books in California, has not been held unconstitutionally indefinite or vague and is still in effect today. We find nothing in this criminal statute that is not reasonably clear and definite, and furthermore we find nothing in this criminal statute that is lacking of ascertainable standards of guilt so as to inform those subject to the statute as to what conduct will render them liable to punishment thereunder.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Paul W. Snyder
Special Assistant Attorney General

PWS:pjf
cc: Mr. Vincent D. Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 175. Replaced on Select File as amended.
E & R amendments to LB 175:

1. In new section 2, line 1, insert "sections 1 to 3 of" after "by"; and in line 2 strike the comma.
2. In new section 3, line 2, insert "sections 1 to 3 of" after the first "by".
3. In new section 4, line 7, insert an underscored comma after "death".
4. In the title, line 4, insert "to amend section 15-1001.01, Revised Statutes Supplement, 1975; to change interest provisions; to repeal the original section;" after the semicolon.

LEGISLATIVE BILL 425. Replaced on Select File as amended.
E & R amendments to LB 425:

1. In new section 2 strike line 3, and insert "send notice of such rendition by certified mail, return receipt requested, to each party's attor-".
2. In the title as amended, line 4, strike "a post card".

LEGISLATIVE BILL 574. Replaced on Select File as amended.
E & R amendments to LB 574:

1. In section 2, line 5, strike the second comma.

2. In lieu of the Chambers amendments, insert a new section to read:

"Sec. 6. Nothing in this act shall be construed to prohibit the training and use of dogs in hunting, the training and use of animals in rodeos, or the training of animals for show.".

3. Renumber original sections 6 to 8 as sections 7 to 9.

4. In renumbered section 7, line 9, strike "thereof" and insert "of violating the provisions of this act".

LEGISLATIVE BILL 275. Replaced on Select File as amended.
E & R amendments to LB 275:

1. In the Clark amendments, page 3, line 12, strike the comma.

2. In the title, line 2, insert "to provide for rules and regulations respecting rights and privileges;" after the semicolon.

LEGISLATIVE BILL 413. Placed on Select File.

LEGISLATIVE BILL 431. Placed on Select File as amended.
E & R amendment to LB 431:

1. In the title, line 4, strike "fingerprint or" and in line 5 insert "to provide for the return of stolen property to the owner;" after the semicolon.

LEGISLATIVE BILL 432. Placed on Select File as amended.
E & R amendment to LB 432:

1. In section 4, strike the comma in line 3; and in line 5 insert "of" after "state".

(Signed) Donald N. Dworak, Chairman

MOTION—Withdraw LR 8

Mr. Bereuter renewed his pending motion, found in the Journal on page 316 for the Eleventh Day to withdraw LR 8. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Clark asked unanimous consent to be excused Friday, January 23, 1976. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 177. Title read. Considered.

Standing Committee amendments found in the Journal on page 990 for the Fiftieth Day, First Session, were adopted with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Review with 25 ayes, 5 nays and 19 not voting.

LEGISLATIVE BILL 30A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 2 nays and 17 not voting.

LEGISLATIVE BILL 405. Mr. Schmit moved to withdraw LB 405.

Laid over.

LEGISLATIVE BILL 405A. Mr. Schmit moved to withdraw LB 405A.

Laid over.

LEGISLATIVE BILL 434. Bracketed until February 5, 1976 at the request of Mr. Schmit.

LEGISLATIVE BILL 464. Bracketed until January 29, 1976 at the request of Mr. DeCamp.

LEGISLATIVE BILL 433. Bracketed until March 31, 1976 at the request of Mr. Schmit.

LEGISLATIVE BILL 651. Title read. Considered.

Standing Committee amendment found in the Journal on page 280 for the Tenth Day was adopted with 29 ayes, 1 nay and 19 not voting.

Mr. Stull offered the following amendment:
To amend LB 651 and Reinsert 3-7.

Mr. Stull moved for a Call of the House. The motion prevailed with 22 ayes, 2 nays and 25 not voting.

The Call showed 45 members present.

Mr. Stull requested a roll call vote.

Voting in the affirmative, 28:

Burbach
Carsten
Cavanaugh
Clark
Cope
DeCamp
Duis
Fitzgerald
George
Goodrich
Hasebroock
Johnson
Kelly
Kime
Mahoney
Maresh
Marvel
Mills
Moylan
Nichol
Rumery
Savage
Schmit
Skarda
Stull
Swigart
Syas
Wiltse

Voting in the negative, 18:

Anderson
Barnett
Bereuter
Burrows
Dickinson
Dworak
Fowler
Kennedy
Keyes
Koch
R. Lewis
Luedtke
Marsh
Murphy
Rasmussen
Simpson
Stoney
Warner

Not voting, 3:

Chambers
Kremer
F. Lewis

The Stull amendment was adopted with 28 ayes, 18 nays and 3 not voting.

Mr. Savage moved the Call be raised. The motion prevailed.

MR. SAVAGE PRESIDING

Mr. Koch offered the following amendment:
To amend the Stull Amendment to strike–3 & 7– insert 4 and 6.

The amendment lost with 16 ayes, 21 nays and 12 not voting.

Advanced to E & R for Review with 26 ayes, 8 nays and 15 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Barnett asked unanimous consent to print the following substitute to LR 103 in the Journal. No objections. So ordered.

LEGISLATIVE RESOLUTION 103, AS SUBSTITUTED

WHEREAS, the Nebraska State Capitol is a prominent and beautiful landmark which serves as a symbol of the State of Nebraska and as a source of pride and unity for the entire state; and

WHEREAS, the State Capitol and its surrounding area is of major concern to the City of Lincoln in its urban development and planning efforts; and

WHEREAS, planning for the development and use of the Capitol and its environs in the past has often been ineffective, leading to the deterioration of the functional, historic and aesthetic value of the Capitol and its surrounding area; and

WHEREAS, the Legislature of the State of Nebraska and the City of Lincoln are desirous of better providing for the planning and control of the development and use of the Capitol and its environs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the creation of the Capitol Environs Planning Committee, as established by the Resolution of the City Council of the City of Lincoln, Nebraska, on January 19, 1976, for the purpose of advising the State of Nebraska, The City of Lincoln, the Lincoln-Lancaster County Planning Commission, or any other appropriate public agency, public body, group, individual or association, as to the planning, design and control of the development of the Capitol and its surrounding environs, including landscaping, land use, preservation of beauty, preservation of historical areas and structures, and proposed construction, is hereby approved.
2. That the committee shall determine the Capitol environs area or areas as may be proper for its various purposes after conducting such investigation and study as it deems necessary and after holding at least one public hearing to discuss the issue.
3. That the committee shall undertake a comprehensive study of the feasibility and need for state and local legislation and/or cooperative action to promote the intent of this resolution. The committee shall report its findings and recommendations to the Legislature and the Lincoln City Council during the 1977 Legislative Session.
4. That the committee shall name one of its members as chairman and one as co-chairman, and shall adopt such rules or by-laws as may be necessary for the performance of its duties. The committee shall meet at least quarterly and shall meet at least two times during 1976.
5. That there be 14 members of the committee, who shall serve at the pleasure of the appointing authority without pay or other renumeration of any kind for their service on the committee, appointed as follows:
   a. Governor of Nebraska, or a representative;
   b. Mayor of the City of Lincoln, or a representative;
   c. State of Nebraska Building Administrator;
   d. The Lincoln-Lancaster County Planning Director;
   e. A representative member from the Lincoln-Lancaster County Planning Commission, to be appointed by the Commission;
   f. A representative member of the Nebraska Legislature residing in Lancaster County, as appointed by the Legislature;
   g. A representative member from the Nebraska Legislature not residing in Lancaster County, as appointed by the Legislature;
   h. A representative member from the Lincoln City Council, as appointed by the City Council;
   i. Two professional designers or planners, one to be appointed by the

Mayor of Lincoln and one to be appointed by the Governor;

j. A representative faculty member from the University of Nebraska, College of Architecture, to be appointed by the Dean of the College of Architecture;

k. An interested citizen residing in the City of Lincoln, to be appointed by the Mayor;

l. An interested citizen of Nebraska not residing in Lancaster County, to be appointed by the Governor; and

m. A representative member of the Lincoln Center Development Association, to be appointed by the Mayor.

NOTICE OF COMMITTEE HEARING

Banking, Commerce & Insurance

LB 948	Tuesday, January 27, 1976 Room 2230	1:30 p.m.

(Signed) J. R. Murphy, Chairman

Agriculture and Environment

LB 826	Friday, January 30, 1976 East Senate Lounge	1:30 P.M.
LB 836	Friday, January 30, 1976 East Senate Lounge	1:30 P.M.
LB 841	Friday, January 30, 1976 East Senate Lounge	1:30 P.M.
LB 843	Friday, January 30, 1976 East Senate Lounge	1:30 P.M.
LB 800	Thursday, January 29, 1976 (Cancelled)	
LB 954	Thursday, January 29, 1976 East Senate Lounge	1:30 P.M.

(Signed) Loran Schmit, Chairman

MESSAGE FROM THE GOVERNOR

January 20, 1976

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Game and Parks Commission for a five year term expiring January 15, 1981, requiring legislative confirmation:

Richard W. Nisley, Route 1, Roca, Nebraska 68430

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:do

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 649. Placed on General File as amended.
Standing Committee amendments to LB 649:

1. On page 2, line 19, reinstate the stricken matter.
2. On page 5, lines 21 through 25, strike the new matter and insert "(4) A provision that the insurance coverage of the employee or member may include, originally or by subsequent amendment, upon the application of the employee or member, any two or more eligible members of his or her family,"
3. On page 6, line 4, before "dependent" insert "unmarried"; line 6, before "dependent" insert "unmarried"; line 7, after "of" insert "the insurance coverage of the employee or member under"; line 9, strike the second "the", and insert "such"; line 15 strike "the", and insert "such"; and line 18, strike the second "the", and insert "such".

LEGISLATIVE BILL 704. Placed on General File as amended.
Standing Committee amendment to LB 704:

1. On page 2, insert a new section to read as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) J. R. Murphy, Chairman

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 818	Tuesday, February 10, 1976	1:30 p.m.
LB 830	Tuesday, February 10, 1976	1:30 p.m.
LB 877	Tuesday, February 10, 1976	1:30 p.m.
LB 917	Monday, February 2, 1976	1:30 p.m.

(Signed) Thomas C. Kennedy, Chairman

Judiciary

LB 857	Tuesday, February 17, 1976	1:30 p.m.
LB 858	Tuesday, February 17, 1976	1:30 p.m.
LB 859	Tuesday, February 17, 1976	1:30 p.m.
LB 865	Tuesday, February 17, 1976	1:30 p.m.
LB 832	Wednesday, February 18, 1976	1:30 p.m.
LB 892	Wednesday, February 18, 1976	1:30 p.m.
LB 893	Wednesday, February 18, 1976	1:30 p.m.
LB 908	Wednesday, February 18, 1976	1:30 p.m.
LB 250	Monday, February 23, 1976	1:30 p.m.
LB 895	Monday, February 23, 1976	1:30 p.m.
LB 913	Monday, February 23, 1976	1:30 p.m.
LB 856	Wednesday, February 25, 1976	1:30 p.m.
LB 860	Wednesday, February 25, 1976	1:30 p.m.
LB 904	Monday, February 9, 1976	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

GENERAL FILE

LEGISLATIVE BILL 640. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 1 nay and 18 not voting.

MOTION—Suspend Rules

Mr. George moved to suspend the rules, Rule 5, Sec. 5, for the introduction of a new bill. (Req. No. 1446)

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 967. By George, 16th District.

A BILL FOR AN ACT relating to support of Indians; to provide that the state will pay the complete costs of certain individuals treated at alcohol treatment units as prescribed; and to declare an emergency.

POINT OF PERSONAL PRIVILEGE

Mrs. Marsh spoke to the body about an employee of the Legislature smoking on the elevators.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 460. Placed on Select File as amended.
E & R amendments to LB 460:

1. In committee amendment 1, insert "and show as stricken" after "19".
2. In committee amendment 2, line 2, insert ", showing old numbers stricken and new ones underscored" before the period.
3. In committee amendment 3, insert "and show as stricken" after "14".
4. In committee amendment 4, line 2, insert ", showing old numbers stricken and new ones underscored" before the period.
5. In committee amendment 5, line 1, strike "12" and insert "13".
6. In new section 6, insert an underscored comma at the end of line 7; and in line 24, strike "~~school~~" and insert "~~schools~~" as in the statutes.
7. In the title line 2, strike "and"; in line 3, insert ", 3-139, and 3-150" after "3-111"; strike beginning with "to" in line 6 through the semicolon in line 7 and insert "to define and redefine terms; to change duties; to eliminate provisions for licensing of air schools;"; and in line 8 insert ", and also section 3-132, Reissue Revised Statutes of Nebraska, 1943" after "sections".

LEGISLATIVE BILL 535. Placed on Select File.

LEGISLATIVE BILL 583. Placed on Select File as amended.
E & R amendments to LB 583:

1. In the Luedtke amendment 1, line 5, insert an underscored comma after "committing".
2. On page 8, insert an underscored comma after "approved" in line 6, "whether" in line 8, and "jurisdiction" in line 16.
3. On page 10, line 24, insert an underscored comma after "court".
4. In line 4 of the Luedtke amendments 2 and 3, strike "inclusive".

5. On page 11, line 5, insert an underscored comma after "matter"; and in line 27 strike "for" and insert "and"

6. In the title, strike lines 5 and 6 and insert "to provide the contents of orders authorizing wire taps; to".

LEGISLATIVE BILL 495. Placed on Select File.

LEGISLATIVE BILL 534. Placed on Select File as amended.
E & R amendment to LB 534:

1. On page 2, line 21, strike "to which" and insert "with whom".

LEGISLATIVE BILL 440. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

NOTICE OF COMMITTEE HEARING

Constitutional Revision and Recreation

LB 928	Thursday, February 5, 1976	1:30 p.m.

(Signed) George Syas, Chairman

Labor

LB 811	Wednesday, February 4, 1976	1:30 p.m.
LB 864	Wednesday, February 4, 1976	1:30 p.m.
LB 814	Wednesday, February 11, 1976	1:30 p.m.
LB 819	Wednesday, February 11, 1976	1:30 p.m.
LB 828	Wednesday, February 11, 1976	1:30 p.m.
LB 840	Wednesday, February 18, 1976	1:30 p.m.
LB 891	Wednesday, February 18, 1976	1:30 p.m.
LB 925	Wednesday, February 18, 1976	1:30 p.m.
LB 848	Wednesday, February 25, 1976	1:30 p.m.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Cavanaugh asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 112. Read and considered.

LR 112 was adopted with 33 ayes, 1 nay and 15 not voting.

LEGISLATIVE RESOLUTION 113. Read and considered.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays and 19 not voting.

LR 113 was adopted with 37 ayes, 5 nays and 7 not voting.

LEGISLATIVE RESOLUTION 114. Read and considered.

LR 114 was adopted with 39 ayes, 0 nays and 10 not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 164
January 20, 1976

Dear Senator Fowler:

You have asked whether a political organization supporting or opposing an initiative proposal must conform to the provisions of the Nebraska Corrupt Practices Act prior to the time the proposal has qualified, by obtaining the requisite number of signatures, for placement on the general election ballot.

A political committee is defined within the act as:

> "... any committee, political party, organization, or association of two or more people which raises, receives, or expends, or directs the raising, receipt, or expenditure of money or other things of value to be used wholly or in part in promoting or preventing the nomination or election of any candidate or class of candidates, or in promoting or preventing the approval of any proposition;..." (Emphasis added.) 32-1134(4), R.S. Supp., 1974.

Proposition is defined as:

> "... any lawfully submitted proposal for an amendment to the state Constitution, for the calling of a state constitutional convention, for the enactment of a statute by initiative, or for the

> repeal of any act of the Legislature or portion thereof by referendum which appears on an election ballot for approval or rejection by the electors;. . ." (Emphasis added.) 32-1134(2), R.S. Supp., 1974.

It is our opinion that if an organization falls within the definition of a political committee and if they are opposing or supporting a measure in the petition drive state, they must conform to the provisions of the remainder of the act.

We believe the key to the interpretation of this section with respect to your specific question concerning initiative proposals lies in the phrase "lawfully submitted proposal."

The statutory procedure for placing a proposal before the voters through the initiative process is found generally within Article 7, of Chapter 32 of the Nebraska Revised Statutes. Section 32-704, R.R.S. 1943 provides in pertinent part:

> ". . . Prior to obtaining any signatures to the petition, a copy of the form to be used shall be filed with the Secretary of State, together with a sworn statement containing the name or names of every person, corporation or association sponsoring the petition, or contributing or pledging contribution of money or other things of value for the purpose of defraying the cost of the preparation, printing, or the circulation thereof. . . ."

We are of the opinion that at the time the copy of the petition is filed it is an initiative "proposal" and after it has been accepted.for filing by the Secretary of State it has been "lawfully submitted."

For these reasons we have reached the conclusion that sec. 32-1134(2), R.S. Supp., 1974 requires such organizations to comply with the overall provisions of the Nebraska Corrupt Practices Act at the time signatures are obtained or at the time efforts are undertaken to persuade the electors to not sign such petitions.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:jc
cc: Vincent D. Brown
Clerk of the Legislature

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 629. Placed on General File as amended.
Standing Committee amendment to LB 629:

1. On page 2, lines 16 and 17, strike the new matter and insert "or when the cause of action arose within the county".

(Signed) Roland A. Luedtke, Chairman

NOTICE OF COMMITTEE HEARING

Miscellaneous Subjects

LB 844	Friday, January 30, 1976	1:30 p.m.
LB 849	Friday, January 30, 1976	1:30 p.m.
LB 881	Friday, January 30, 1976	1:30 p.m.

(Signed) Gary L. Anderson, Chairman

UNANIMOUS CONSENT–Change of Hearing Room

Mr. Rasmussen asked unanimous consent for the Government, Military and Veterans Affairs Committee to hold their committee hearings in the West Chamber on Friday, January 23, 1976. No objections. So ordered.

MOTION–Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 5, Sec. 5, for the introduction of a new bill. (Req. No. 1448)

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 968. By DeCamp, 40th District.

A BILL FOR AN ACT to adopt the Physicians' Unincorporated Mutual Insurance Association Act; to provide penalties; to provide for severability; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LB	Committee
967	Gov. Mil. & Vets. Affrs.
968	Pub. Hlth. & Wel.

(Signed) Eugene T. Mahoney, Chairman

VISITORS

President Whelan introduced 20 young farmers and wives from Exeter, Nebraska; 16 senior high students and teacher from Malcolm, Nebraska; Tim, Kathy and Casey Ellis, relatives of Mr. Nichol.

ADJOURNMENT

At 12:02 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, January 23, 1976.

Vincent D. Brown
Clerk of the Legislature

THIRTEENTH DAY—JANUARY 23, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE SECOND SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 23, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor, Westminster Presbyterian Church, Lincoln.

> Lord God, in these moments of prayer each day, we've been discovering that so much of life and leadership is a venture in faith: faith in our nation, in our state, faith in the people, faith in You and faith in ourselves!
>
> So much of the abundant Life of Jesus affirms that our faith is the power to turn 'the worst times into the best times'! Thy word assures us: "God is at work in you giving you the will and power to achieve His purpose."
>
> Help us O Father to inject this God-power into our lives.
>
> Hence your Divine Dreams for us as a people shall become our dreams. In the Spirit of Him who loves us we offer this prayer. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Clark who was excused and Mr. Koch who was absent until 10:10 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twelfth Day was approved.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of January 22,

1976. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Binder, Edward. – Lincoln, The American Legion, Department of Nebraska
Cariotto, Joseph – Lincoln, Nebraska Pharmaceutical Association
Elrod, Don – Bellevue, Omaha Suburban Area Council of Schools
Epke, Walter H. – York, Nebraska Cooperative Council
Herbener, Lloyd W. – Lincoln, Nebraska Republican Party
Huff, Charles P. – Lincoln, Nebraska County Attorney Association
Mahaffey, John C. – Lincoln, (withdrawn 1-15-76) Nebraska Association of Public Employees
Marti, Douglas – Lincoln, (withdrawn 1-15-76) Nebraska Association of Public Employees
Stromer, Gerald – Kearney (withdrawn 1-20-76) Atokad Agricultural and Racing Association; National Electrical Contractors Association of Nebr.
Tews and Noren
    Charles F. Noren and David D. Tews – Lincoln (withdrawn 1-19-76) Beatrice Development Corporation, Buffalo County Livestock Improvement Assn., Committee for Consumer Credit, Metro Mail Advertising Company, Wine Institute, Nebraska Mortgage Association.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 477. Replaced on Select File as amended.
E & R amendments to LB 477:

1. In the last line of the third and fourth unnumbered Murphy amendments, strike the period.

2. On page 10, line 19, insert "or" after the comma.

3. In the fifth unnumbered Murphy amendment, strike the period in line 2; and in lieu of the balance of the amendment, on page 10, strike beginning with "or" in line 21 through "dollars" in line 24.

LEGISLATIVE BILL 503. Placed on Select File as amended.
E & R amendments to LB 503:

(References are to the committee amendments.)

1. On page 1, line 8, strike "herein" and insert "in this act".

2. On page 2, line 5, insert "requirements that a student" after the first comma; in line 20 strike the comma; and in line 23 strike "their" and insert "its".

3. On page 3, line 8, and both places in line 11, strike "school".

4. On page 5, line 2, strike "and" and insert "or".

5. On page 8, line 1, strike the comma.

6. On page 9, line 18, strike the period and insert a semicolon.

7. On page 11, line 5, strike the second comma.

8. On page 13, line 13, strike the comma.

9. On page 14, line 5, strike the comma; in line 14 insert a comma after "explain"; and strike line 27 and insert "superintendent,".

10. On page 15, line 3, strike ", or" and insert "or,".

11. On page 17, line 20, strike the comma; and in line 25 strike "such" and insert "the".

12. On page 18, line 14, strike "other".

13. In the title, line 7, strike "and"; and in line 9 insert "; and to repeal section 79-449, Reissue Revised Statutes of Nebraska, 1943" after "school".

LEGISLATIVE BILL 584. Placed on Select File as amended.
E & R amendment to LB 584:

1. On page 6, line 5, strike "herein"; and in line 6 insert "in this act" after "provided".

LEGISLATIVE BILL 37. Placed on Select File.
LEGISLATIVE BILL 76. Placed on Select File.
LEGISLATIVE BILL 521. Placed on Select File.

LEGISLATIVE BILL 515. Placed on Select File as amended.
E & R amendments to LB 515:

1. In section 1, insert an underscored comma after "may" in line 3; and strike the comma in lines 5 and 7.

2. In the title, line 2, strike "section" and insert "sections 17-526 and"; in line 5 strike "and"; and in line 6 strike "section" and insert "sections; and to declare an emergency".

LEGISLATIVE BILL 587. Placed on Select File.

LEGISLATIVE BILL 299. Placed on Select File as amended.
E & R amendment to LB 299:

1. In the committee amendment, line 3, insert "after 'of' " before the second comma.

LEGISLATIVE BILL 561. Placed on Select File as amended.
E & R amendments to LB 561:

1. In lieu of the committee amendment to page 2, line 9, and committee amendments 2 to 4, on page 2, line 10, page 3, lines 1, 4, and 15, page 4, lines 10 and 11, and page 5, lines 16 and 22, reinstate the stricken matter and immediately thereafter insert "and".
2. On page 6, lines 4 and 5, insert "Banking and" before "Finance".
3. In the title, line 4, insert "Banking and" after "of" in both places; in line 5 insert "to name a special fund;"; and in line 7, strike "81-101" and insert "8-601, 8-602, 81-101,".

LEGISLATIVE BILL 581. Placed on Select File as amended.
E & R amendments to LB 581:

1. On page 3, insert "or the central office" at the end of line 3.
2. In the title, line 8, insert "to authorize a revolving fund for the central office;" after the semicolon.

LEGISLATIVE BILL 412. Placed on Select File.

LEGISLATIVE BILL 441. Placed on Select File as amended.
E & R amendment to LB 441:

1. In the title, line 2, insert "17-515, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; strike beginning with "to" in line 4 through "and" in line 6 and insert "to require approval of the city council for removal of officers; to provide for the acceleration of assessments in cases of delinquency; ";and in line 7 strike "section" and insert "sections; and to declare an emergency".

Correctly Engrossed

The following bills were correctly engrossed: 329, 386, 485, 487, 491, 536, 569, and 586.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 627. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 836 Friday, January 30, 1976 (Cancelled)

(Signed) Loran Schmit, Chairman

MOTION–Suspend Rules

Mr. R. Lewis moved to suspend the Rules (Rule 5 Sec. 5 Sub C) for the introduction of a a new bill by the committee on Public Works.

The motion prevailed with 32 ayes, 3 nays and 14 not voting.

Mr. R. Lewis moved the bill (Req. No. 1436) be introduced. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 969. By Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Kelly, 35th District; R. Lewis, 38th District; Moylan, 6th District; Wiltse, 1st District; Warner, 25th District.

A BILL FOR AN ACT to amend section 72-205.01, Reissue Revised Statutes of Nebraska, 1943, relating to school lands; to require the notification of lessees of school lands, by registered mail, of new valuations of the lands; to repeal the original section; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 115. By Mahoney, 5th District.

WHEREAS, Section 85-408, R.R.S. Nebraska, 1943, requires approval of the Nebraska Legislature, if the same is in session, of expenditures from the Replacement or Surplus Fund in connection with the University of Nebraska Student Fees and Facilities Revenue Bonds; and

WHEREAS, in order to meet fire and safety requirements of the laws of the State of Nebraska, and regulations promulgated thereunder, it is necessary to expend $680,450 from said Replacement Fund; and

WHEREAS, since 1941 the University of Nebraska – Lincoln has been collecting student union fees for the construction of a student union on its East Campus, which project was approved initially by the Executive Board of the Legislative Council on October 12, 1973; and

WHEREAS, it is necessary to authorize an additional expenditure of $1,331,500 from the Surplus Fund of said bond issue to construct said East Campus Student Union, which additional sums are required because of inflationary factors, and the final approval of a program to meet student needs, the initial authorization of October 12, 1973 having been a preliminary estimate by the University of Nebraska – Lincoln, prior to a program statement or plans, specifications or bids.

NOW, THEREFORE, BE IT RESOLVED by the Eighty-fourth Legislature, Second Session, of the State of Nebraska, that The Board of Regents of the University of Nebraska be authorized to expend $680,450 from the Replacement Fund of its University of Nebraska – Lincoln Student Fees and Facilities Revenue Bonds and to expend an additional $1,331,500 from the Surplus Fund of said bond issue for construction of a student union building on the East Campus.

Laid over.

MOTION—Introduce Bill

Mr. Maresh moved the introduction of a new bill by the committee on Labor. (Req. No. 1352)

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 970. By Labor Committee: Maresh, 32nd District, Chairman; Rumery, 42nd District, Kime, 43rd District; Murphy, 17th District; Kennedy, 21st District.

A BILL FOR AN ACT to amend sections 48-1,104 and 48-1,109, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation claims against the state; to change the requirements for the annual report; to change a period of limitation; and to repeal the original sections.

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 112, LR 113 and LR 114.

UNANIMOUS CONSENT–Member Excused

Mr. Dworak asked unanimous consent to be excused at 9:45 a.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 175. E & R amendments found in the Journal on page 325 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 425. E & R amendments found in the Journal on page 325 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Member Excused

Mr. Mahoney asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION–Return LB 425 to Select File

Mr. Murphy moved to return LB 425 to Select File for the following specific amendment:

AMENDMENT TO LB 425

Amend Section 2 of the amended LB 425 to read as follows:

Section 2. Within three days after rendition of any judgment, the clerk of the county or municipal court shall send notice of the judgment by first class United States mail to each party's attorney or attorneys of record, or if none, to an individual defendant at his usual place of residence, if known, and to a defendant not an individual to any proper recipient of summons for that party as designated by law.

The motion prevailed with 26 ayes, 4 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 425. The Murphy specific amendment found in this day's Journal was adopted with 26 ayes, 6 nays and 17 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 574. E & R amendments found in the Journal on page 326 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 574 to Select File

Mr. DeCamp moved to return LB 574 to Select File for the following specific amendment :
Strike the enacting clause.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 27 ayes, 12 nays and 10 not voting.

The Call showed 47 members present.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 24:

Barnett
Burbach
Carsten
DeCamp
Duis
Dworak
Goodrich
Johnson
Kime
R. Lewis
Marsh
Marvel
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stull
Warner
Wiltse

Voting in the negative, 23:

Anderson
Bereuter
Burrows
Cavanaugh
Chambers
Cope
Dickinson
Fitzgerald
Fowler
George
Hasebroock
Kelly
Kennedy
Keyes
Koch
Kremer
F. Lewis
Luedtke
Maresh
Mills
Stoney
Swigart
Syas

Not voting, 2:

Clark
Mahoney

The motion lost with 24 ayes, 23 nays and 2 not voting.

Mr. Carsten moved the Call be raised. The motion prevailed.

MOTION—Return LB 574 to Select File

Mr. Cavanaugh moved to return LB 574 to Select File for the following specific amendment:

Sec.2 line 2 strike "with the intent" add "for the purpose"

Strike subsection (2) of Section 2.

Strike Sec. 3

Sec. 5 strike the fact that the cock's comb has been clipped shall be prima facie evidence of intention to use or engage such cock in an exhibition.

The motion prevailed with 27 ayes, 2 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 574. The Cavanaugh specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 383. The Dworak pending amendment found in the Journal on page 1814 for the Eighty-second Day, First Session, was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Dworak asked unanimous consent to withdraw his pending amendments found in the Journal on page 292 for the Tenth Day. No objections. So ordered.

Mr. Bereuter offered the following amendment:

AMENDMENTS TO LB 383

1. Strike all amendments to LB 383
2. On page 3, lines 3 and 7 strike the new matter and reinstate the stricken matter.
3. On page 3, line 10, after the "period" insert "If, within the boundaries of the annexed territory, there exists a Class VI school, the school building, facilities, and land owned by the district shall remain a part of the Class VI district notwithstanding any action taken by the school boards and notwithstanding the result of such election. If the Class VI district wishes to dispose of such school building, facilities, or land to any individual or political subdivision, including a Class I school district, the question of such disposition shall be placed on the ballot for the next general election.

All residents of such Class VI district shall then
vote on the question at such general election. A
simple majority of the votes cast shall resolve the
issue.".

The amendment lost with 14 ayes, 20 nays and 15 not voting.

Mr. Rasmussen offered the following amendment:

AMENDMENT TO LB 383

1. Strike the Dworak amendments
adopted May 21, 1975

MR. SAVAGE PRESIDING

Mr. Rasmussen moved for a Call of the House. The motion prevailed with 18 ayes, 13 nays and 18 not voting.

The Call showed 42 members present.

Mr. Dworak moved the Call be raised. The motion prevailed.

The Rasmussen amendment lost with 18 ayes, 22 nays and 9 not voting.

Mr. Kremer offered the following amendment:

Amend the Dworak amendment by inserting the words "or primary" before "general".

The amendment was adopted with 33 ayes, 0 nays and 16 not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 13 nays and 9 not voting.

Advanced to E & R for Engrossment with 28 ayes, 8 nays and 13 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 103.

Mr. Barnett asked unanimous consent to substitute the attached resolution for the resolution printed on page 328 of the Journal which was substituted for the original on page 113 of the Journal. No objections. So ordered.

LEGISLATIVE RESOLUTION 103 (substitute)

WHEREAS, the Nebraska State Capitol is a prominent and beautiful memorial and landmark which serves as a symbol of the State of Nebraska and as a source of pride and unity for the entire state; and

WHEREAS, the State Capitol and its surrounding area is a major concern to the City of Lincoln in its urban development and planning efforts; and

WHEREAS, difficulties often experienced in the past in planning for the development and use of the Capitol environs in relationship with the Capitol have resulted in the deterioration of the functional, historic and aesthetic value of the Capitol area; and

WHEREAS, the Governor and the Legislature of the State of Nebraska and the City of Lincoln are desirous of better providing for the planning and control of the development and use of the Capitol environs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the creation of the Nebraska Capitol Environs Advisory Planning Committee, established by Resolution of the City Council of the City of Lincoln, Nebraska, on January 22, 1976, for the purpose of advising the City of Lincoln, the Nebraska Legislature and the State Building Advisory Commission in regards to planning, design and control of development and use of the Capitol environs, is hereby approved, and the Legislature agrees to appoint two of its members to serve on the Committee.

2. That specific activities for advisement shall include, but not be limited to, landscaping, land use, preservation of beauty, preservation of historical areas and structures, and proposed construction in the Capitol environs area, which area or areas shall include all lands adjacent to the Capitol and all lands offering visual perspectives of the Capitol. The exact area or areas shall be determined by the Committee after conducting such investigation and study as it deems necessary, which determination shall be subject to the approval of the Lincoln City Council.

3. That the Committee shall undertake a comprehensive study of the feasibility and need for action to promote the intent of this resolution. The Committee shall report its findings and recommendations to the State Building Advisory Commission, the Nebraska Legislature, and the Lincoln City Council prior to January 1, 1977.

4. That there be thirteen (13) members of the Committee, who shall serve without pay or other remuneration of any kind for their service on the Committee, appointed as follows:

(a) The Lincoln-Lancaster County Planning Director;

(b) The State Planning Director, or his designee;

(c) A representative member from the Lincoln-Lancaster County Planning Commission, to be appointed by the Commission;

(d) A representative member of the State Building Advisory Commission, to be appointed by the Commission;

(e) The Director of the State Historical Society;

(f) A representative member of the Lincoln City Council, to be appointed by the Council;

(g) Two representative members of the Nebraska Legislature, one of whom shall be from Lancaster County and one of whom shall be from outside Lancaster County, as appointed by the Legislature;

(h) Five (5) representatives to be appointed by the Mayor of the City of Lincoln and confirmed by the Lincoln City Council, one of whom shall be a member of the Lincoln Downtown Advisory Committee.

Mr. Barnett moved the adoption of LR 103 as substituted.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays and 19 not voting.

LR 103 was adopted, as substituted, with 37 ayes, 1 nay and 11 not voting.

MOTION–Suspend Rules

Mr. Marvel moved to suspend the rules, Rule 7, Sec. 2b and d, to show him voting "nay" on LB 383 this morning.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 248. Placed on Select File as amended.
E & R amendments to LB 248:

1. On page 2, line 5, insert a comma after "assembly".
2. On page 3, line 14, reinstate "(1)".
3. In committee amendment 2, lines 2 and 3, strike "vocational technical school" and insert "technical community college"; and at the end of line 5 insert "an".
4. In committee amendment 3, line 1, strike "insert" and insert "strike".
5. On page 8, line 16, insert "structural," after "or"; and in line 23 strike the first "or".
6. On page 9, line 13, insert "structural," after "the"; and in line 23 strike "law" and insert "provisions".
7. On page 10, line 12, strike "law" and insert "provisions".

LEGISLATIVE BILL 596. Placed on Select File.

LEGISLATIVE BILL 613. Placed on Select File as amended.
E & R amendments to LB 613:

1. On page 4, line 26, strike "programs" and insert "program".
2. On page 10, line 25, strike "subdivisions" and insert "subdivision".
3. On page 12, line 23, strike the semicolon and insert an underscored period; and strike line 24.

4. In the title, line 2, insert "relating to the Nebraska Disaster and Civil Defense Act;" after "ACT"; in line 3 strike the third comma and insert a semicolon; and strike line 4 and through the semicolon in line 5.

LEGISLATIVE BILL 614. Placed on Select File.
LEGISLATIVE BILL 615. Placed on Select File.
LEGISLATIVE BILL 616. Placed on Select File.
LEGISLATIVE BILL 617. Placed on Select File.

LEGISLATIVE BILL 618. Placed on Select File as amended.
E & R amendment to LB 618:

1. On page 2, line 5, strike "have" and insert "~~have~~ has"; and in line 6 strike "them" and insert "~~them~~ it".

LEGISLATIVE BILL 619. Placed on Select File.
LEGISLATIVE BILL 620. Placed on Select File.
LEGISLATIVE BILL 621. Placed on Select File.
LEGISLATIVE BILL 622. Placed on Select File.
LEGISLATIVE BILL 219. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 675. Placed on General File.

(Signed) Calvin F. Carsten, Chairman

Public Works

LEGISLATIVE BILL 628. Placed on General File as amended.
Standing Committee amendments to LB 628:

1. On page 2 strike original section 1 and insert the following new sections:

"Section 1. That section 39-6,138.01, Revised Statutes Supplement, 1974, be amended to read as follows:

39-6,138.01. ~~No~~ On or after the effective date of this act no person shall operate a bicycle ~~on or after January 1, 1976,~~ during the hours of darkness unless such bicycle is equipped with pedals which ~~are equipped with~~ display a white or amber reflective device or material on both the front and rear ~~surface~~ surfaces of the pedal and such reflective surface shall be visible during the hours of darkness from four hundred feet when viewed from the front or rear under low beam headlamps of a motor vehicle under normal atmospheric conditions. ~~Any bicycle equipped with caliper brakes~~ All bicycles shall also be equipped with tires bearing a white or silver retroreflective material on each side, or a wide-angle reflector mounted on the spokes of each wheel. Such retroreflective material ~~must~~ shall be at least three-sixteenths of an inch wide and shall be affixed as an integral part of the tire or wheel and ~~must~~ shall remain effective for the life of the tire or wheel. ~~Bicycles not equipped with caliper brakes must have a continuous circular white or silver retroreflective material at least three sixteenths of an inch wide on either the tires or wheel rims.~~ The spoke-mounted wide-angle reflector devices shall have a reflective surface of at least two square inches and shall be clear, amber, or red in color. Both the retroreflective tires and wide-angle spoke reflectors shall be visible, during the hours of darkness, from a distance of four hundred feet when viewed under the low beam headlamps of a motor vehicle under normal atmospheric conditions, when the bicycle is traveling at a ninety degree right angle to the direction of travel of the motor vehicle and is directly in front of such motor vehicle. Such reflective devices shall remain visible when the bicycle is turned forty degrees in either direction from the above described angle and crosses directly in front of such motor vehicle at a distance of four hundred feet.

Sec. 2. That section 39-6,138.02, Revised Statutes Supplement, 1974, be amended to read as follows:

39-6.138,02. ~~Commencing January 1, 1976, no person shall sell any bicycle which does not comply with section 39-6,138.01. Any person who violates this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.~~ Any person who, on or after the effective date of this act, operates a bicycle during the hours of darkness, which bicycle is not equipped as required by section 39-6,138.01, shall be guilty of a traffic infraction, and, upon conviction thereof, shall be fined not more than twenty-five dollars.

Sec. 3. That original sections 39-6,138.01 and 39-6,138.02, Revised Statutes Supplement, 1974, are repealed.".

2. Renumber original section 2 as section 4.

3. In the title, line 2 strike "repeal" and insert "amend"; line 4 after ";" insert "to establish new requirements for bicycle safety equipment; to repeal the original sections;".

(Signed) Maurice A. Kremer, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 717. Placed on General File.

(Signed) George Syas, Chairman

Judiciary

LEGISLATIVE BILL 655. Placed on General File.
LEGISLATIVE BILL 669. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

Appropriations

LEGISLATIVE BILL 442. Placed on General File as amended.
Standing Committee amendments to LB 442:

1. Strike original sections 1 and 2 and insert the following:

"Section 1. It is the intent of the Legislature to be informed and involved in the acceptance of nonstate funds received by agencies from sources other than those appropriated from the General Fund and the various cash funds. The Legislature has the sole responsibility of appropriating funds for the operation of state government and is concerned that the acceptance of such nonstate funds may mandate multiyear commitments of funds and programs without its direct knowledge and action. The acceptance of nonstate funds directly affects the appropriation process and the programs for which funds are appropriated, and may require appropriations for special commitments not anticipated by the Legislature. This act provides to the legislative and executive branches of government the powers and responsibilities of affirmative fund acceptance through a specific review procedure.

Sec. 2. Any application for funds, aids, or grants which shall require state matching or replacement funds at the time of the application or at any time in the future, duplicates existing programs, or does not contribute towards the accomplishment of the goals established for the state, shall require the approval of the Governor prior to its filing with the appropriate granting body. A copy of the Governor's approval or rejection shall be forwarded by the state clearinghouse to the applicant agency and the Legislative Fiscal Analyst. For the purposes of this act state clearinghouse shall mean that body designated on the effective date of this act, pursuant to Circular A-95 of the United States Office of Management and Budget.

Sec. 3. Any department, board, commission, or agency of the State of Nebraska applying for funds, aids, and grants from any source other than the General Fund and the various cash funds, and any political subdivision applying for funds, aids, and grants which require matching state General Funds, shall file a copy of the application with the state clearinghouse. The state clearinghouse shall establish application review procedures which shall include the budget division of the Department of Administrative Services, the Legislative Fiscal Analyst, the State Office of Planning and Programming, and other agencies as may be necessary. All applications filed with the state clearinghouse shall be processed within thirty days, unless the review period is extended by agreement of the applicant for an additional period not to exceed thirty days.

Sec. 4. When, as a condition to receiving the nonstate funds, the State of Nebraska is required to match the funds applied for, a resource statement shall be filed with the application. The resource statement, as prescribed by the state clearinghouse, shall show in summary form the purpose of the project, the manner in which the project will be accomplished, and the impact on the agency or any other agencies following project completion. The statement shall also show in detail the amount of funds being requested, the amount and source of any state funds required to match the funds, the amount and type of in-kind services, the length of time the matching funds are required, the amount of indirect charges, and such other information as may be required by Circular A-95 of the United States Office of Management and Budget, the Department of Administrative Services, the State Office of Planning and Programming, or the state clearinghouse. The statement shall also include a narrative describing the state's future commitment of funds or programs, resource replacement requirements, and any other conditions for fund acceptance, except that applications for scientific purposes or individual academic research may be exempted from the review process by the state clearinghouse.

Sec. 5. When any funds, aids, and grants are received by any department, board, commission, or agency of the State of Nebraska, a report of the amount of funds received shall be filed with the state clearinghouse and the funds shall be deposited with the State Treasurer.

Sec. 6. The state clearinghouse shall monthly submit a summary of all approved fund applications to the Executive Board of the Legislative Council. The Executive Board shall review monthly the summary of approved fund applications, and may object to any such fund application. A report shall be prepared for each application objected to stating the reason for such objection. Such reports shall be forwarded to the applicant agency, the state clearinghouse, and the appropriate granting agency.

Sec. 7. The Director of Administrative Services shall not issue any warrant for the disbursement of any funds which may be recieved as the result of applications which were not approved pursuant to this act or in regard to which the statements or reports required by this act were not filed.

Sec. 8. Copies of all applications, statements, and reports required by this act shall be filed with the Legislative Fiscal Analyst.

Sec. 9. This act shall become operative July 1, 1976.

Sec. 10. That section 81-1130, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 11. Since an emergency exists, this act shall bein full force and take effect, from and after its passage and approval, according to law.''.

2. In the title, strike lines 2 to 8 and insert:

"FOR AN ACT relating to funds; to state legislative intent; to provide review procedures prior to the acceptance of certain funds as prescribed; to require duties of agencies accepting funds other than through Legislative appropriation or cash or revolving funds; to provide an operative date; to repeal section 81-1130, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.".

(Signed) Richard D. Marvel, Chairman

NOTICE OF COMMITTEE HEARINGS

Labor

LB 925	February 18, 1976 (Canceled)	1:30 p.m.
LB 924	Wednesday, February 18, 1976	1:30 p.m.

(Signed) Richard Maresh, Chairman

Urban Affairs

LB 695	Wednesday, February 4, 1976	1:30 p.m.
LB 719	Wednesday, February 4, 1976	1:30 p.m.
LB 796	Wednesday, February 4, 1976	1:30 p.m.
LB 957	Wednesday, February 4, 1976	1:30 p.m.
LB 774	Wednesday, February 11, 1976	1:30 p.m.
LB 775	Wednesday, February 11, 1976	1:30 p.m.
LB 822	Wednesday, February 11, 1976	1:30 p.m.
LB 825	Wednesday, February 11, 1976	4:30 p.m.
LB 897	Wednesday, February 11, 1976	1:30 p.m.

(Signed) Steve Fowler, Chairman

Judiciary

LB 926	Tuesday, February 24, 1976	1:30 p.m.
LB 942	Tuesday, February 24, 1976	1:30 p.m.
LB 963	Tuesday, February 24, 1976	1:30 p.m.

(Signed) Roland A. Luedtke, Chairman

ANNOUNCEMENT

Mr. Fowler announced an executive session of the Urban Affairs Committee on Tuesday, February 3, 1976 in the East Senate Lounge, Room 2230 beginning at 8:00 a.m.

REFERENCE COMMITTEE REPORT

LB	**Committee**
969	Public Works
970	Labor

(Signed) Eugene Mahoney, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. Rumery asked unanimous consent to be excused Monday, January 26, 1976, until he arrives. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 165
January 23, 1976

Dear Senator Chambers:

You have asked if there is "any provision in the statutes which allows the school board in a Class V school district to place on the ballot the question as to how the board shall be elected (by district or at-large)?" No. The procedure to be followed is stated in Neb. Rev. Stat. Section 79-1003 (Supp. 1975). It provides for the election of members of the board of education from districts. The validity of that statute is currently being challenged in the District Court of Douglas County, Nebraska.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT–Return LB 740 to Legislature

Mr. Nichol asked unanimous consent to request the Government, Military and Veterans Affairs Committee to return LB 740 to the Legislature. No objections. So ordered.

MOTION—Withdraw LB 740

Mr. Nichol moved to withdraw LB 740. Laid over.

UNANIMOUS CONSENT—Return LB 945 to Legislature

Mr. Fowler asked unanimous consent to request the Urban Affairs Committee to return LB 945 to the Legislature. No objections. So ordered.

MOTION—Withdraw LB 945

Mr. Fowler moved to withdraw LB 945. Laid over.

VISITORS

The President introduced Dennis Reilly, Tim Martin, Joe Newsome, Vincent Hron and Tony Hron from Troop 570, Omaha; 3 foreign exchange students from Brazil and Sweden attending school at Scotia and Ord; two daughters of Senator Frank Lewis, and Melissa Marsh, daughter of Senator Shirley Marsh.

ADJOURNMENT

At 12:11 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Monday, January 26, 1976.

Vincent D. Brown
Clerk of the Legislature

FOURTEENTH DAY—JANUARY 26, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 26, 1976

Pursuant to adjournment, the Legislature met at 9:33 a.m., Speaker Burbach presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, our loving Father, gradually we are seeing that freedom is not free. It must be worked for; we must uphold it with continual vigilance in order that our people do not fall back into slavery.
>
> Give us the vigor to be free oursleves - free of hangovers from our past environment; free from present entangling alliances; free in conscience, so we may be living the abundant life Thou hast given us.
>
> May we realize we are not free as long as there is one person in slavery.
>
> May we devote the same ingenious energies and risks in striving for freedom to elevate man that we do in the endeavor to destroy him in war.
>
> We pray in the name of Christ, the Prince of Peace. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Chambers, DeCamp and Rumery who were excused until they arrive, and Mr. Johnson who was excused.

CORRECTIONS FOR THE JOURNAL

Page 340, line 23, show "Nebraska Mortgage Association" as a new registration instead of withdrawn.

The Journal for the Thirteenth Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Mr. Skarda asked unanimous consent to be excused Tuesday, January 27, 1976. No objections. So ordered.

Mr. Dworak asked unanimous consent to be excused at 10:30 a.m. No objections. So ordered.

EXPLANATION OF VOTE

January 23, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Vince,

I request the following be entered in the Journal on January 22, 1976.

After speaking affirmatively on LR 113, I received word that I had a long distance emergency telephone call and went to take the call and during the period I was out of the room the voting occurred on this resolution. Had I been present I would have voted affirmatively for it.

Thanking you, I remain

Sincerely,

(Signed) John W. DeCamp

JWD:jrb

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (Cum. Supp. 1972) a summary of all fees paid to date during calendar year 1975 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	ATTORNEY	FEE
Little Blue	Dan W. Baird	$1,310.00

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 545. Placed on Select File as amended.
E & R amendment to LB 545:

1. In the title, line 6, insert "to

refer to the administrator rather than the superintendent;" after the first semicolon.

LEGISLATIVE BILL 339. Placed on Select File as amended.
E & R amendments to LB 339:

1. On page 2, line 4, strike "city" and insert "cities"; and in line 6 strike ", as herein defined,".
2. In the Cope amendments, page 1, line 7, insert a comma after "county"; in line 11 insert "of" after "rate"; in line 18, strike "as herein authorized"; and in line 19 strike "such" and insert "the".
3. On page 3, line 5, strike "such" and insert "a"; in line 14 strike the first comma; and in line 15 insert a comma after "consideration".
4. On page 4, line 14, strike "respective"; in line 22 strike "and distributed hereunder" and insert "under this act"; and strike beginning with distributed in line 24 through "its" in line 25 and insert "deposited in the county".
5. In the Cope amendments, page 2, line 4, insert "of five members" after "committee".
6. On page 5, strike Lines 24 and 25; and in line 26 strike "(4)" and insert "(3)".
7. In the cope amendments, page 3, line 1, strike ", and" and insert "and,"; in line 7 strike "the above penalty"; in line 9 insert "shall" after "and"; and in line 10, strike "shall".
8. In the title, line 2, strike "cities and"; in line 6 strike "and"; and in line 7 insert "; to provide procedures; and to provide penalties" after "committee".

LEGISLATIVE BILL 348. Placed on Select File as amended.
E & R amendment to LB 348:

1. In the title, strike beginning with the second "to" in line 2 through "condition" in line 5 and insert "to prohibit certain alterations".

LEGISLATIVE BILL 265. Placed on Select File as amended.
E & R amendments to LB 265:

1. On page 2, line 2, strike "1974" and insert "1975"; strike lines 8 and 9 and insert:

"(1) Conviction of motor vehicle homicide -- 12 points;"; strike lines 15 to 20 and renumber subsequent subdivisions as (3) to (11) respectively; in line 22 insert "involvement in" after the second "of"; and in line 24, strike "12" and insert "6".

2. Strike beginning with "until" on page 3, line 27 through "only" on page 4, line 3 and insert "no points shall be assessed upon conviction of exceeding by not more than ten miles per hour the speed limit on any part of the National System of Interstate and Defense Highways; and provided further, that".

3. On page 4, line 5, insert ", two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour," after "hour"; in line 8 insert "except as provided in the first proviso in this subdivision" after "39-666"; in line 13, insert "violations for operating a motor vehicle without a valid operator's license in the operator's possession," after the first comma; in line 14, insert "motorcycle protective headgear violations," after the second comma; in line 15 strike "points" and insert "~~points~~ point"; and in line 24 strike "1974" and insert "1975".

4. Renumber section 3 added by the Kremer amendments as section 2 and original section 2 as section 3.

5. In renumbered section 2, line 1, strike "Act and the amendments thereto" and insert "act".

6. In section 4, insert a comma after "effect".

7. In the title, line 3, strike "1974" and insert "1975"; in line 6 strike "and" and insert "to provide applicability;" and in line 7 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 544. Placed on Select File as amended.
E & R amendments to LB 544:

1. On page 2, line 21, strike "act" and insert "section".

2. On page 3, line 11, strike "act" and insert "section".

LEGISLATIVE BILL 180A. Placed on Select File.

LEGISLATIVE BILL 202. Placed on Select File as amended.
E & R amendments to LB 202:

1. In the committee amendment, line 3, insert "that" after "except".

2. In the title strike beginning with "pauper" in line 3 through "prescribed" in line 6 and insert "public welfare; to reduce the share of medical assistance paid by the counties".

Correctly Engrossed

The following bill was correctly engrossed: 175.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 103.

MR. SAVAGE PRESIDING

NOTICE OF COMMITTEE HEARINGS

Public Works

LB 889	Thursday, February 5, 1976	1:30 p.m.
LB 862	Friday, February 6, 1976	1:30 p.m.
LB 846	Wednesday, February 11, 1976	1:30 p.m.
LB 950	Wednesday, February 11, 1976	1:30 p.m.
LB 910	Thursday, February 12, 1976	1:30 p.m.
LB 955	Thursday, February 12, 1976	1:30 p.m.

(Signed) Maurice A. Kremer, Chairman

MOTIONS—Withdraw Bills

Mr. Nichol renewed his pending motion found in the Journal on page 358 for the Thirteenth Day to withdraw LB 740.

The motion prevailed.

Mr. Fowler renewed his pending motion found in the Journal on page 358 for the Thirteenth Day to withdraw LB 945.

The motion prevailed.

SELECT FILE

LEGISLATIVE BILL 275. E & R amendments found in the Journal on page 326 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 413. Laid over.

Mr. Duis requested to take up E & R amendments only on Select File bills and lay the bills over if other motions are on the bills.

LEGISLATIVE BILL 431. E & R amendment found in the Journal on page 326 for the Twelfth Day was adopted.

Laid over.

LEGISLATIVE BILL 432. E & R amendment found in the Journal on page 326 for the Twelfth Day was adopted.

Mr. DeCamp asked unanimous consent to bracket until LB 782 moves from General File. No objections. So ordered.

LEGISLATIVE BILL 460. E & R amendments found in the Journal on page 333 for the Twelfth Day were adopted.

Laid over.

LEGISLATIVE BILL 535. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 583. E & R amendments found in the Journal on page 333 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 495. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 534. E & R amendment found in the Journal on page 334 for the Twelfth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 440. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 477. E & R amendments found in the Journal on page 340 for the Thirteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 503. E & R amendments found in the Journal on page 340 for the Thirteenth Day were adopted.

Mr. Fowler asked unanimous consent to bracket until February 3, 1976. No objections. So ordered.

LEGISLATIVE BILL 584. E & R amendment found in the Journal on page 341 for the Thirteenth Day was adopted.

Laid over.

LEGISLATIVE BILL 37. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 76. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 521. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 515. E & R amendments found in the Journal on page 341 for the Thirteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 587. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 299. E & R amendment found in the Journal on page 341 for the Thirteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 561. E & R amendments found in the Journal on page 342 for the Thirteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 581. E & R amendments found in the Journal on page 342 for the Thirteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 412. Laid over.

LEGISLATIVE BILL 441. E & R amendment found in the Journal on page 342 for the Thirteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 248. E & R amendments found in the Journal on page 350 for the Thirteenth Day were adopted.

Laid over.

LEGISLATIVE BILL 596. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 613. E & R amendments found in the Journal on page 351 for the Thirteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 614. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 615. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 616. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 617. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 618. E & R amendment found in the Journal on page 351 for the Thirteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 619. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 620. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 621. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 622. Laid over.
LEGISLATIVE BILL 219. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Members Excused

Messrs. Maresh and Burbach asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

MOTION—Return LB 76 to Select File

Mr. Murphy moved to return LB 76 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Murphy moved for a Call of the House. The motion prevailed with 19 ayes, 5 nays and 25 not voting.

Mr. Cavanaugh moved the Call be raised. The motion prevailed.

The Murphy motion lost with 20 ayes, 17 nays and 12 not voting.

MOTION—Reconsider Action

Mr. Duis moved to reconsider action on the Murphy motion to return LB 76 to Select File for a specific amendment.

Mr. Dickinson moved for a Call of the House. The motion prevailed with 21 ayes, 8 nays and 20 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

The Duis motion to reconsider action lost with 21 ayes, 12 nays and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 431. Mr. Burrows offered the following amendment: That in LB 431 page 2 line 6 strike; or Junk dealer,

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Goodrich moved to bracket LB 431. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 460. Mr. Kelly offered the following amendment:

1. On page 11, line 23 after "of" strike "federal" and show as stricken; stike line 24 and show as stricken; line 25 strike "aeronautics within this state and of" and show as stricken.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Duis offered the following amendment:

AMENDMENT TO LB 460

1. Insert two new sections to read as follows:

"Sec. 8. Any proposed airport, restricted landing area, or other air navigation facility which will be in existence for less than thirty consecutive days shall first be approved by the department before any such airport, land area, or other facility shall be used or operated. Any municipality or person proposing the use of property for such purpose shall first make application for a temporary permit for the site selected and the general purpose or purposes for which the property will be used, to insure that the property and its use shall conform to minimum standards of safety and shall serve the public interest. Designation of the location and approval of sites for the proposed temporary airports, restricted landing areas, and other air navigation facility as provided in section 3-104 may be delegated to the department by the Aeronautics Commission. The provisions of this section shall not apply to restricted landing area designated for personal use pursuant to section 3-136.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber original section 6 as section 9.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Maresh asked unanimous consent to withdraw his pending amendments found in the Journal on page 167 for the Fourth Day. No objections. So ordered.

Mr. Maresh offered the following amendments:

AMENDMENTS TO LB 460

1. On page 13 insert a new section as follows:

"Sec. 8. That section 79-446.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-446.01. Any school district in this state, wherein one or more of the children of parents residing on tax-exempt state-owned airfields attend school, shall be entitled to charge as tuition for each of such pupils, for the time such pupil is enrolled, an amount to be that district's per pupil cost for the current year, if such child is enrolled in the grade school of such district, and the regular nonresident high school tuition rate if such child is enrolled in any high school of such district. The tuition so charged shall be paid by the Department of Aeronautics out of an appropriation therefor from the ~~General Fund~~ Department of Aeronautics Cash Fund from funds derived from the renting and leasing of airfield lands and property.".

2. On page 13, line 25 strike "and" and after "3-111," insert "and 79-446.01,".

3. Renumber original section 6 as section 9.

4. On page 13, insert a new section after line 27 as follows:

"Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Kelly moved the adoption of the above Maresh amendments.

MR. CAVANAUGH PRESIDING

The Maresh amendments were adopted with 25 ayes, 6 nays and 18 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 584. Mr. Luedtke offered the following amendment:

1. On page 6, line 12 of LB 584 after the "comma" insert "(1)"; in line 14 before "Nebraska" insert "(2)"; and strike beginning with "the" in line 15 through "attorney" in line 16 and insert "(a)" the Attorney General or the Tax Commissioner for state estate tax purposes, and (b) the Attorney General or the county attorney for Nebraska inheritance tax purposes".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Unbracket LB 432

Mr. Chambers asked unanimous consent to unbracket LB 432 on Select File.

Mr. Kime objected.

Mr. Chambers moved to unbracket LB 432.

Mr. Chambers moved for a Call of the House. The motion prevailed with 21 ayes, 2 nays and 26 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 25:

Anderson Barnett Bereuter Burrows Carsten
Cavanaugh Chambers Cope Duis Fowler
Hasebroock Kennedy Keyes Koch F. Lewis
R. Lewis Luedtke Marsh Mills Murphy
Nichol Rasmussen Simpson Stoney Warner

Voting in the negative, 18:

Clark DeCamp Dickinson Fitzgerald George
Goodrich Kelly Kime Mahoney Marvel
Moylan Savage Schmit Skarda Stull
Swigart Syas Wiltse

Not voting, 6:

Burbach Dworak Johnson Kremer Maresh
Rumery

The motion prevailed with 25 ayes, 18 nays and 6 not voting.

Mr. Mills moved the Call be raised. The motion prevailed.

SELECT FILE

LEGISLATIVE BILL 432. Mr. Swigart moved to bracket LB 432 until February 20, 1976.

Motion pending.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 625. Indefinitely postponed.

LEGISLATIVE BILL 678. Placed on General File as amended.

Standing Committee amendments to LB 678:

1. On page 2, strike original section 1 and insert the following:

“Section 1. That section 39-1411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1411. The county highway superintendent or some other qualified person designated by the county board shall keep in his office a road record which shall include a record of the proceedings in regard to the laying out, establishing, changing, or discontinuing of all roads in the county hereafter established, changed or discontinued, and a record of the cost and maintenance of all such roads. Such person shall record in the bridge record, a record of all county bridges and culverts showing number, location and description of each, and a record of the cost of construction and maintenance of all such bridges and culverts. ~~Such person shall cause to be firmly posted or attached upon each bridge in a conspicuous place at each end thereof a board or metal sign showing the carrying capacity or weight which the bridge will safely carry or bear.~~ The county board shall designate a registered professional engineer to supervise a field verification of the bridge inventory, to make field measurements where required, and to analyze and rate the bridges for posting in accordance with (a) the Manual for Maintenance Inspection of Bridges, published by the American Association of State Highway Officials, and (b) Criteria for Checking Capacities of Existing Bridges, published by Nebraska Department of Roads.

Sec. 2. That original section 39-1411, Reissue Revised Statutes of Nebraska, 1943, and also sections 39-803.01 to 39-803.06 Reissue Revised Statutes of Nebraska, 1943, are repealed.”.

2. In the title strike lines 2 through 4 and insert the following:

“FOR AN ACT to amend section 39-1411, Reissue Revised Statutes of Nebraska, 1943, relating to bridges; to prescribe new standards and procedures for analyzing and rating bridges; and to repeal the original section and also sections 39-803.01 to 39-803.06, Reissue Revised Statutes of Nebraska, 1943.”.

LEGISLATIVE BILL 724. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 425. Replaced on Select File as amended.
E & R amendments to LB 425:

1. In section 2, line 4, strike ", or" and insert "or,".
2. In the title, as amended, line 4, strike "of" and "to defendants".

LEGISLATIVE BILL 574. Replaced on Select File as amended.
E & R amendments to LB 574:

In lieu of the Cavanaugh amendments:

1. In section 2, lines 2 and 3, strike "with the intent that" and insert "for the purpose of having"; in line 3 strike "shall be"; and strike beginning with "(2)" in line 4 through Line 7 and insert "or (2)".
2. Renumber sections 4 to 9 as sections 3 to 8.
3. In renumbered section 4, strike the second sentence.

LEGISLATIVE BILL 383. Replaced on Select File as amended.
E & R amendments to LB 383:

1. In line 2 of the Dworak amendment to the Dworak amendment, strike "line 11" and insert "lines 11 and 26".
2. In lieu of the Kremer amendment, in the Dworak amendment, lines 10 and 25, insert "primary or" after "next"; and in lines 13 and 27 strike "general".
3. In the title, strike beginning with "to" in line 4 through the semicolon in line 5 and insert "to provide for determination of the school status of annexed territory as prescribed;".

(Signed) Donald N. Dworak, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 971. By Burbach, at request of Governor.

A BILL FOR AN ACT relating to health insurance for state employees; to provide the amount of the state's contribution; and to declare an emergency.

LEGISLATIVE BILL 972. By Burbach, at request of Governor.

A BILL FOR AN ACT to amend Laws 1975, LB 605, section 10, Laws 1975, LB 607, section 22, Laws 1975, LB 605, section 5, as amended by section 22, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, and Laws 1975, LB 607, section 10, as amended by section 30, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, relating to appropriations; to change appropriations for certain agencies; to repeal the original sections; and to declare an emergency.

NOTICE OF COMMITTEE HEARING
Revenue

LB 804	Monday, February 2, 1976	1:30 P.M.
LB 900	Monday, February 2, 1976	1:30 P.M.
LB 921	Monday, February 2, 1976	1:30 P.M.
LB 888	Tuesday, February 3, 1976	1:30 P.M.
LB 919	Tuesday, February 3, 1976	1:30 P.M.
LB 923	Tuesday, February 3, 1976	1:30 P.M.
LB 884	Wednesday, February 4, 1976	1:30 P.M.
LB 894	Wednesday, February 4, 1976	1:30 P.M.

(Signed) Calvin F. Carsten, Chairman

REFERENCE COMMITTEE REPORT

LB	**Committee**
971	Neb. Ret. Systems
972	Appropriations

(Signed) Eugene T. Mahoney, Chairman

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 740	Thursday, February 5, 1976 (cancelled)	1:30 p.m.
LB 845	Friday, February 6, 1976	1:30 p.m.
LB 880	Friday, February 6, 1976	1:30 p.m.
LB 885	Thursday, February 12, 1976	1:30 p.m.
LB 890	Thursday, February 12, 1976	1:30 p.m.
LB 902	Thursday, February 12, 1976	1:30 p.m.

LB 934	Friday, February 13, 1976	1:30 p.m.
LB 946	Friday, February 13, 1976	1:30 p.m.
LB 967	Friday, February 13, 1976	1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

Revenue

LB 668	Monday, February 9, 1976	1:30 p.m.
LB 863	Monday, February 9, 1976	1:30 p.m.
LB 959	Monday, February 9, 1976	1:30 p.m.
LB 918	Tuesday, February 10, 1976	1:30 p.m.
LB 850	Wednesday, February 11, 1976	1:30 p.m.
LB 851	Wednesday, February 11, 1976	1:30 p.m.
LB 914	Wednesday, February 11, 1976	1:30 p.m.

(Signed) Calvin F. Carsten, Chairman

Public Health and Welfare

LB 879	Tuesday, February 17, 1976	1:30 p.m.
LB 909	Tuesday, February 17, 1976	1:30 p.m.
LB 915	Tuesday, February 17, 1976	1:30 p.m.
LB 925	Monday, February 23, 1976	1:30 p.m.
LB 968	Monday, February 23, 1976	1:30 p.m.

(Signed) Thomas C. Kennedy, Chairman

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 65. Placed on General File as amended.
Standing Committee amendments to LB 65:

1. Strike original sections 1 to 4 and insert the following:

"Section 1. That section 71-3806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3806. The board shall hold a regular annual meeting at which it shall select from its membership a chairman and a vice-chairman. Other regular meetings shall be held at such times as the rules of the board may provide. Special meetings may be held at such times as may be deemed necessary or advisable by the board or a majority of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the rules of the board. Three members of the board shall constitute a quorum and all actions taken by the board shall require agreement among a majority of the members of the board. The secretary of the board shall be selected by the board and shall hold office at the pleasure of the board. The secretary may or may not be a member of the board. The board may employ such other persons and may rent or purchase such office space and office equipment as it deems necessary or desirable to carry out the provisions of sections 71-3801 to 71-3831. The board may enter into agreements with any state agency for the use of such agency's services, personnel, facilities, or equipment when such agreements are deemed necessary or advisable to carry out the provisions of Chapter 71, article 38. The board shall adopt and have an official seal.

Sec. 2. That section 71-3818, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3818. The licensing fee and the annual renewal fee shall be an amount fixed by the board. The board shall fix the amount of the fee so that the total fees collected will be sufficient to meet the expenses of administering sections 71-3801 to 71-3831 and so that unnecessary surpluses in the Psychologists Licensing Fund are avoided. The board may not fix a license fee in excess of ~~fifty~~ one hundred dollars or a renewal fee in excess of ~~five~~ fifty dollars. The fee for the issuance of a license issued to replace one which was lost, destroyed, mutilated, or revoked shall be ~~two~~ ten dollars. The fee shall accompany the application for replacement. ~~license.~~

Sec. 3. That section 71-3820, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3820. The license of any psychologist may be suspended or revoked by the board upon proof that the psychologist:

(1) Has been convicted of a felony by any court; the conviction of a felony shall be the conviction of any offense which, if committed within this state, would constitute a felony under the laws of this state;

(2) Is an habitual drunkard or addicted to the use of morphine, opium, cocaine, or other drugs having

similar effect;

(3) Has been guilty of fraud or deceit in connection with his services rendered as a psychologist;

(4) Has aided or abetted a person, not a licensed psychologist, in illegally representing himself as a psychologist within this state; or

(5) Has been guilty of unprofessional conduct as defined in section 71-148 or has (a) practiced in areas of psychology outside his areas of competence, (b) willfully misrepresented his professional qualifications, affiliations, and purposes, or those of institutions and organizations with which he is associated, (c) failed to use reasonable care to protect the confidentiality of information obtained in practice; or (d) failed to make reasonable efforts to protect the welfare of persons served or persons used as subjects in research.

Sec. 4. That original sections 71-3806, 71-3818, and 71-3820, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, strike lines 2 to 8 and insert the following:

"FOR AN ACT to amend sections 71-3806, 71-3818, and 71-3820, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of psychology; to provide additional powers to the board; to further define unprofessional conduct; to increase fees as prescribed; to repeal the original sections; and to declare an emergency.".

(Signed) Thomas C. Kennedy, Chairman

MOTIONS—Withdraw Bills

Mr. Schmit renewed his pending motion, found in the Journal on page 327 for the Twelfth Day, to withdraw LB 405. The motion prevailed.

Mr. Schmit renewed his pending motion, found in the Journal on page 327 for the Twelfth Day, to withdraw LB 405A. The motion prevailed.

UNANIMOUS CONSENT—Bracket LB 491

Mr. Mills asked unanimous consent to bracket LB 491 on Final Reading until March 8, 1976. No objections. So ordered.

ADJOURNMENT

At 12:00 Noon, on a motion by Mr. Mahoney, the Legislature adjourned until 9:00 a.m., Tuesday, January 27, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 27, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Dr. D. Elton Trueblood, Earlham, Indiana.

> We come before thee, Oh Father, with humility and with gratitude. We are conscious of our deep unworthiness. We know that alone we cannot bear the burdens that are placed upon us. Give us this day, we pray, great minds and warm hearts and courage to make decisions. We know that we are called to a great work. Help us that this may be done, Lord. This we ask for the sake of Jesus Christ, our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs.Mahoney and Skarda who were excused.

CORRECTIONS FOR THE JOURNAL

On page 1528, 72nd Day Journal, April 30, 1975, line 6, add:
"Strike the Standing Committee amendments." (This refers to the Murphy amendments adopted January 21, 1976, page 315 to LB 477.)
The Journal for the Fourteenth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 561. Replaced on Select File as amended.
E & R amendments to LB 561:

1. Because of the enactment of LB 269 in 1975, amend section 1 to read:

"Section 1. That section 8-101, Revised Statutes Supplement, 1975, be amended to read as follows:

8-101. As used in section 8-101 to 8-1,129, unless the context otherwise requires:

(1) Capital or capital stock shall mean capital stock;

(2) Department shall mean the Department of Banking and Finance;

(3) Director shall mean the Director of Banking and Finance; ~~for the Department of Banking;~~

(4) Bank or banking corporation shall be construed to mean any incorporated banking institution which shall have been incorporated under the laws of this state as they existed prior to May 9, 1933, and any corporation duly organized under the laws of this state for the purpose of conducting a bank within this state under the provisions of sections 8-101 to 8-1,129. Bank shall be construed to mean any such banking institution as shall be, in addition to the exercise of other powers, following the practice of repaying deposits upon check, draft, or order, and of making loans;

(5) Order shall include orders transmitted by electronic transmission;

(6) Electronic satellite facility shall mean an off-premises unmanned facility or terminal through which banking transactions are transmitted to a bank or banks by means of an electronic impulse;

(7) Manned electronic satellite facility shall mean an off-premises facility, terminal, or place at which banking transactions are brought about with the assistance of one or more persons and transmitted to a bank or banks by means of an electronic impulse. Such person or persons shall not be employees of the bank or banks involved with such transmissions;

(8) Making loans shall include advances or credits that are initiated by means of credit card or other transaction card. Transaction card and other transactions, includidng transactions made pursuant to prior agreements, may be brought about and transmitted by means of an electronic impulse. Such loan transactions including transactions made pursuant to prior agreements shall be subject to sections 8-815 to 8-829, and shall be deemed loans made at the place of business of the bank;

(9) Establishing bank shall mean any bank establishing an electronic satellite facility or a manned electronic satellite facility;

(10) User bank shall mean any bank which desires to avail itself and its customers of an electronic satellite facility or manned electronic satellite facility services;

(11) Bank employees shall include bank holding company and affiliate employees;

(12) Switch shall mean an installation where a transaction impulse is received and the transaction message is immediately routed and electronically transmitted to a processing center. A switch may be a processing center;

(13) Impulse shall mean an electronic impulse;

(14) A processing center shall mean a place, designated by a user bank, capable of receiving and processing electronic impulse transactions; and

(15) Insolvent shall mean a condition in which (a) the actual cash market value of the assets of a bank is insufficient to pay its liabilities to its depositors, or (b) a bank is unable to meet the demands of its creditors in the usual and customary manner, or (c) a bank, after demand in writing by the Director of Banking and Finance, fails to make good any deficiency in its reserves as required by law, or (d) the stockholders of a bank, after written demand by the Director of Banking and Finance, fail to make good an impairment of its capital or surplus.".

2. On page 6, line 6 strike "sections 8-101 and" and insert "section"; in line 7 strike "and"; and in line 9 insert "and section 8-101, Revised Statutes Supplement, 1975," after the comma.

3. In the title, line 5, strike "sections 8-101 and" and insert "section"; in line 7 strike the first "and"; and in line 8 insert ", and section 8-101, Revised Statutes Supplement, 1975" after "1974".

LEGISLATIVE BILL 441. Replaced on Select File as amended.
E & R amendment to LB 441:

1. On page 3, line 2, strike "is" and insert "are".

LEGISLATIVE BILL 382. Placed on Select File as amended.
E & R amendments to LB 382:

1. On page 2, line 2, page 6, line 2, and in the title, line 3, strike "1974" and insert "1975".

2. On page 2, line 11, insert "on the first twenty-five thousand dollars of taxable income, and at the rate of twenty-seven and one half per cent of such rate on all taxable income in excess of twenty-five thousand

dollars" after "77-2715"; and in line 23 strike "rate" and insert "rates".

3. On page 3, line 19, insert an underscored period after "purposes"; and in line 23 strike the period and show as stricken.

4. In new section 2, line 1, strike "effective" and insert "operative".

5. In the title, lines 3 and 4, strike "sales and income tax" and insert "taxation", and in line 6 strike "corporations;" and insert "cooperatives; to provide an operative date;".

LEGISLATIVE BILL 502. Placed on Select File as amended.
E & R amendments to LB 502:

1. In the Barnett amendments, page 1, line 11, strike the semicolon and insert a colon.

2. In the Barnett amendments, page 2, line 7, strike "in the event" and insert "if"; in line 16 strike the first comma and after "shall" insert "be guilty of a misdemeanor and shall"; in line 17 strike "be guilty of a misdemeanor and"; and in line 19 strike the comma.

3. In the title, line 3, insert "; and to provide penalties" after "prescribed".

LEGISLATIVE BILL 310. Placed on Select File as amended.
E & R amendment to LB 310:

1. In the title, strike beginning with "to" in line 4 through the semicolon in line 6 and insert "to redefine unfair practices;".

LEGISLATIVE BILL 445. Placed on Select File as amended.
E & R amendments to LB 445:

1. On page 2, lines 1 and 2, and page 4, line 10, strike "Revised Statutes Supplement, 1974" and insert "Reissue Revised Statutes of Nebraska, 1943".

2. In the title, strike lines 2 and 3 and insert:
"FOR AN ACT to amend section 18-2101.01, Reissue Revised
Statutes of Nebraska, 1943, relating to"; and
in line 6 strike "sections" and insert "section".

LEGISLATIVE BILL 713. Placed on Select File.
LEGISLATIVE BILL 635. Placed on Select File.

LEGISLATIVE BILL 641. Placed on Select File as amended.
E & R amendments to LB 641:

1. On page 6, line 3, strike the comma.

2. In the title, line 6, strike "authorize"

and insert "require"; and in line 11 insert "to provide duties;" after the semicolon.

LEGISLATIVE BILL 266. Placed on Select File as amended.
E & R amendments to LB 266:

1. In section 1, line 6, insert a comma after "act".

2. In the Marsh amendment 1, lines 1 and 2, strike "lines 3 and 4" and insert "line 4"; in line 5 strike "4" and insert "5"; and in line 6 strike "6" and insert "8".

3. In section 2, line 4, strike "whose enlistment shall"; and in line 9 strike "vocational or".

4. In the Marsh amendment 2, line 2, strike "7" and insert "9"; in line 3 strike "lines 9 and 10" and insert "line 12"; and in line 4 strike "10" and insert "12".

5. In the title, strike lines 2 to 7 and insert:
"FOR AN ACT relating to tuition credit; to provide for tuition credit for members of the Action Selected Reserve as prescribed; and to declare an emergency.".

LEGISLATIVE BILL 499. Placed on Select File as amended.
E & R amendments to LB 499:

1. On page 4, line 20, insert an underscored comma after "act"; and in line 23 strike the comma.

2. On page 5, line 18, strike the second comma; and in line 21 strike the comma.

3. On page 6, line 10, strike "hereinafter provided" and insert "provided in this subdivision"; in line 15 insert an underscored comma after "organization"; in line 17 strike "subsection" and insert "subdivision,"; and in line 19 insert "its" after "at".

4. On page 7, line 14, strike "then".

LEGISLATIVE BILL 454. Placed on Select File.

LEGISLATIVE BILL 514. Placed on Select File as amended.
E & R amendments to LB 514:

(References are to committee amendments.)

1. On page 1, lines 20 and 21, strike ", for the State of Nebraska".

2. On page 2, lines 10 and 12, strike "that" and insert "who"; and in line 21 strike "where" and insert "when".

3. On page 3, insert a comma after "marketing" in line 8 and "include" in line 10.

4. On page 6, line 6, strike "would"; insert a comma after "office" in line 20 and "act" in line 22; and in line 24 insert "of" after "fee".

5. On page 7, strike beginning with the first "and" in line 21 through the third comma in line 22.

6. On page 8, line 1, strike "the director is authorized to" and insert "he may"; in line 3, insert a comma after "judgment"; and in line 25, strike the comma.

7. On page 9, line 2, strike "fee" and insert "fees".

8. On page 10, line 14, strike "introduce a bill to"; and in line 26 strike the comma.

LEGISLATIVE BILL 177. Placed on Select File as amended.
E & R amendments to LB 177:

1. All amendatory material having been removed therefrom, strike original section 4 and renumber sections 5 to 7 as sections 4 to 6.

2. In renumbered section 4, lines 1 and 2, strike "Revised Statutes Supplement, 1974" and insert "Reissue Revised Statutes of Nebraska, 1943".

3. On page 4, strike line 20 and insert "8-439, and 8-820 Reissue Revised Statutes of Nebraska, 1943, are".

4. In the title, strike lines 3 and 4 and "companies" in line 5 and insert "and 8-820, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking"; and in line 7 insert "to permit additional kinds of security;" after the semicolon.

LEGISLATIVE BILL 30A. Placed on Select File.

LEGISLATIVE BILL 651. Placed on Select File as amended.
E & R amendment to LB 651:

1. In lieu of the Stull amendment, strike the committee amendment.

LEGISLATIVE BILL 640. Placed on Select File as amended.
E & R amendment to LB 640:

1. On page 4, line 14, insert an underscored comma after "him".

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 696. Placed on General File as amended.
Standing Committee amendments to LB 696.

1. On page 2, lines 5 and 6 strike "having a population of more than two hundred thousand", and show as stricken.

2. On page 3, after line 5, insert a new section as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. In the title, line 7 strike "and" and in line 8 after "section" insert "; and to declare an emergency".

(Signed) Dennis L. Rasmussen, Chairman

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 936	Monday, February 2, 1976 Room 2230	1:30 p.m.
LB 886	Monday, February 2, 1976 Room 2230	1:30 p.m.
LB 899	Monday, February 2, 1976 Room 2230	1:30 p.m.
LB 916	Tuesday, February 3, 1976 Room 2230	1:30 p.m.
LB 930	Tuesday, February 3, 1976 Room 2230	1:30 p.m.
LB 943	Tuesday, February 3, 1976 Room 2230	1:30 p.m.

(Signed) J. R. Murphy, Chairman

MOTION—Introduce Bill

Mr. Kennedy moved the introduction of a new bill by theCommittee on Public Health and Welfare. (Req. No. 1411)

The motion prevailed with 30 ayes, 2 nays and 17 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 973. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Cavanaugh, 9th District; Kelly, 35th District; Maresh, 32nd District; R. Lewis, 38th District; Fowler, 27th District; Moylan, 6th District.

A BILL FOR AN ACT relating to public health and welfare; to provide for the licensing of entities providing home health services; to define terms; to prescribe licensing procedures; to authorize the adoption of rules and regulations by the Department of Health; to declare certain acts unlawful; to provide penalties; to provide for appeals of adverse decisions; and to prescribe procedures therefor.

SELECT FILE

LEGISLATIVE BILL 413. Mr. DeCamp renewed his pending amendment found in the Journal on page 255 for the Eighth Day.

Amendment pending.

Mr. Anderson asked unanimous consent to bracket LB 413 until January 29, 1976. No objections. So ordered.

LEGISLATIVE BILL 412. Mr. Anderson asked unanimous consent to bracket LB 412 until January 29, 1976. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Anderson asked unanimous consent to print the following amendments to LB 413 in the Journal. No objections. So ordered.

AMENDMENT TO LB 413

1. On page 2 insert two new sections as follow:

"Section 1. That section 53-131, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-131. Any person, desiring to obtain a new license to sell alcoholic liquors at retail, shall file with the commission:

(1) An application in triplicate original upon such forms as the commission shall from time to time prescribe;

(2) The license fee if, under the provisions of subdivision (5) of section 53-124, such fee is payable to the commission, which fee shall be returned to the applicant if the application is denied;

(3) The state registration fee in the sum of ~~two~~ fifteen dollars;

(4) The bond as set forth in section 53-138.02; and

(5) Security for costs in the amount of one hundred dollars.

License fees, registration fees and security for costs shall be paid to the commission by certified or cashier's check of a bank within this state, United States post-office money order, or cash in the full amount thereof. The commission shall forthwith notify by registered or certified mail with postage prepaid the municipal clerk of the city of incorporated village wherein such license is sought, of the receipt of the application and shall enclose with said notice one copy of said application. No such license shall then be issued by the commission until the expiration of at least ~~thirty~~ forty-five days from the date of mailing such application by the commission~~,~~. ~~during which period the local governing body of such city, village, or county may make and submit to the commission recommendations relative to the granting or refusal to grant such license to the applicant.~~ During the period of thirty days from the date of mailing such application by the commission the local governing body of such city, village, or county may make and submit to the commission recommendations relative to the granting or refusal to grant such license to the applicant.

Sec. 2. That section 53-132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-132. (1) Except as provided in subsection (1) of section 53-133, upon the expiration of ~~thirty~~ forty-five days from the date of mailing notice, as provided in section 53-131, the commission shall cause a retail license to be signed by its chairman, attested by its secretary over the seal of the commission and issued in the manner provided in subsection (2) of this section as a matter of course.

(2) Retail licenses issued or renewed by the commission shall be mailed to the city, village, or county clerk, as the case may be, who shall deliver the same to the licensee upon receipt from the licensee of proof of payment of (a) the license fee if by the terms of subdivision (5) of section 53-124 the same is payable to the treasurer of such city, village, or county, (b) any fee for publication of notice of hearing before the board or council of such city, village, or county upon the application for license, (c) his fee for publication of notice of renewal as provided in section 53-135.01, and (d) occupation taxes, if any, imposed by such city, village, or county.".

2. Renumber original section 1 as section 3.

3. On page 3, line 2 strike "thirty" and add in lieu thereof the words "forty-five".

4. On page 3, strike original section 2, and add in lieu thereof a new section to read as follows:

"Sec. 4. That original sections 53-131, 53-132 and 53-133, Reissue Revised Statutes of Nebraska, 1943, are repealed.

5. In the title, line 1, strike the word "section" and insert the words "sections 53-131, 53-132 and", and in line 6, strike the word "section" and insert the word "sections".

SELECT FILE

LEGISLATIVE BILL 432. Mr. Swigart renewed his pending motion found in the Journal on page 369 for the Fourteenth Day, to bracket until February 20, 1976.

The motion lost with 16 ayes, 15 nays and 18 not voting.

Mr. Chambers offered the following amendment:
To amend LB 432.
1. Strike all of section 2.
2. Strike paragraph (1) of section 3.
Insert the following: "Special Deputies shall meet the training requirements established by the Nebraska Law Enforcement Training Center.

Mr. Goodrich offered the following amendment to the Chambers amendment:

To amend the Chambers amendment to strike all of Section 4 of the Committee amendment.

The amendment lost with 11 ayes, 9 nays and 29 not voting.

Chambers amendment pending.

UNANIMOUS CONSENT—Member Excused

Speaker Burbach asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 545A. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Cavanaugh, 9th District; Maresh, 32nd District; R. Lewis, 38th District; Fowler, 27th District; Kelly, 35th District; Moylan, 6th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 545, Eighty-fourth Legislature, First Session, 1975.

MOTION—Rule Change

Mr. Cope offered the following rule change:
Rule 2 -Procedure
Sec. 10. Time Limit on Speaking. No member shall speak more than twice, nor for more than ~~ten~~ five minutes on each occasion, upon any one question in debate during the same legislative day, without leave of the Legislature, ~~except in explanation,~~ unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken.

Any member who wishes to speak upon introducing a bill shall not speak for more than ten minutes upon that occasion. Such member who may wish to make closing remarks relating to the bill so introduced shall speak no more than five minutes in closing. Any member offering an amendment to a bill shall speak no more than five minutes upon the occasion of introducing such amendment.

Referred to the Rules Committee.

Mr. DeCamp offered the following rule change:

In the interest of insuring that legislation proposed by members is in fact adquately debated and considered

1. The hours of 9:30 to 11:30 each day beginning the 1st day of February 1976 shall be for consideration of bills on General File.

2. It shall be the duty of the Speaker, Clerk, Committee Chairmen, Rules Chairman and sponsors of bills to meet prior to the date of the hearings on the floor to arrange the following:

(a) Time at which bill will be considered.

(b) Length of time for bill debate including approximate time of proponents and opponents

(c) Time at which a vote on the bill will be considered

(d) To provide a calendar to legislative members showing the bills for consideration on General File at least three days in advance

(e) To arrange debate on the bill to insure that arguments are not duplicated; that both sides may adequately and efficiently present their arguments; that compromise amendments agreed to in advance by opponents and proponents may be expeditiously handled; that surprise amendments or motions which have not been made available in printed form for review by all legislative members are not used to delay action on the bills or take priority over other amendments.

In order to effect the coordinations and programming necessary to carry out the directive of this rule, the Speaker is hereby authorized and directed to have daily caucuses or meetings with all members of the legislature involved in the various legislation being studied as well as with legislative personnel or other persons having an interest or input into programming.

Referred to the Rules Committee.

Mr. Keyes offered the following rule change:

Rule 7 -Proceedings and Motions.

Sec. 5. Call of the Legislature. A Call of the Legislature may be made by any member in the manner following: "I move for a Call of the Legislature". The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under Call. If a majority of the senators present and voting vote in favor of such a motion then the Legislature shall be deemed to be under Call. For purposes of this rule the phrase "senators present and voting" shall mean a majority of the remainder of the body after subtracting the number of members excused. Each member present shall indicate his presence upon the electric roll call system and shall remain in his seat during the Call. After the Clerk shall note the names of the absentees, proceedings under the Call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. If all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the Call raised.

Referred to the Rules Committee.

Mr. Nichol offered the following rule change:
Rule 5 -Bills
Sec. 5.
(d) In regular sessions each member shall be limited as an introducer or co-introducer to a total of ~~10~~ 5 bills for the period of introduction of bills by individual members. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of ~~10~~ 5 bills; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members. Bills introduced under Rule 5, Sec. 3a will not be included in the limitation.

Rule 7 -Proceedings and Motions
Sec. 5. Call of the Legislature. A Call of the Legislature may be made by any member in the manner following: "I move for a Call of the Legislature". The Presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under Call. If a majority of the senators present ~~and voting~~ vote in favor of such a motion then the Legislature shall be deemed to be under Call. Each member present shall indicate his presence upon the electric roll call system and shall remain in his seat during the Call. After the Clerk shall note the names of the absentees, proceedings under the Call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. If all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the Call raised.

Rule 2 -Procedure
Sec. 10. Time Limit on Speaking. No member shall speak more than twice, nor for more than ~~ten~~ five minutes on each occasion, upon any one

question in debate during the same legislative date, without leave of the Legislature except in explanation, unless he be the mover, proposer, or introducer of the matter, pending, in which case he shall be permitted to speak in reply but not until every other member choosing to speak shall have spoken.

Referred to the Rules Committee.

Mr. Bereuter offered the following rule change:
Rule 2 - Procedure
Sec. 3.
(d) No member of the press shall be permitted on that portion of the floor of the Legislature allotted for the chairs and desks of the members of the Legislature.
Renumber (d) through (g) as (e) through (h) respectively.

Referred to the Rules Committee.

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

January 27, 1976

The Committee on Committees will meet at 12:00 Noon, Wednesday, February 4, 1976, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Joseph J. Cascio
Board of Public Roads Classifications and Standards

R. Doyle Hanson
Board of Public Roads Classifications and Standards

Donald Hyde
Board of Public Roads Classifications and Standards

Norman A. Magnusson
Board of Public Roads Classifications and Standards

Paul Mead - State Electrical Board

Paul Meierhenry
Agricultural Products Industrial Utilization Committee

Terrance E. Pesek
Board of Public Roads Classifications and Standards

Theodore C. Reeves - Environmental Control Council

Don Swing
Board of Public Roads Classifications and Standards

Richard Nisley - Game and Parks Commission

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Anderson asked unanimous consent to print the following amendment to LB 412 in the Journal. No objections. So ordered.

AMENDMENT TO LB 412

1. On page 4, lines 6 to 9, strike the new matter and insert: "except that, if the application has been protested by inspectors of the commission, then the decision of the commission may be reversed, vacated, or modified only by the district court of Lancaster County."

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 912	Thursday, February 5, 1976 East Senate Lounge	1:30 P.M.
LB 949	Thursday, February 5, 1976 East Senate Lounge	1:30 P.M.
LB 836	Friday, February 6, 1976 East Senate Lounge	1:30 P.M.
LB 911	Friday, February 6, 1976 East Senate Lounge	1:30 P.M.

(Signed) Loran Schmit, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
973	Pub. Hlth. & Wel.

(Signed) Wally Barnett,
Vice Chairman

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 657. Placed on General File.

(Signed) Steve Fowler, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 37, 76, 275, 440, 495, 534, 535, and 583.

(Signed) Donald N. Dworak, Chairman

MOTION–Escort Governor

Speaker Burbach moved the Chair appoint a committee of 5 to wait upon the Governor and escort him to the Chamber and that we be at ease until the committee shall return.

The motion prevailed.

The Chair appointed Messrs. Anderson, Kime, Kelly, Cavanaugh and Carsten to escort the Governor to the Chamber.

EASE

The Legislature was at ease from 9:55 a.m. to 10:01 a.m.

The committee returned and escorted Governor J. James Exon to the rostrum where he delivered the following budget message:

MESSAGE FROM THE GOVERNOR

Mr. President, Mr. Speaker, Members of the Second Session of the 84th Legislature, Ladies and Gentlemen:

The state of the State in our great land of Nebraska is sound. There are many encouraging signs that we are emerging steadily though not spectacularly from the economic downturn. We can anticipate a further decline in unemployment this year, but unfortunately many of our citizens will continue to find gainful employment difficult to obtain. The key factor for full recovery will be the health of our agriculture. With adequate moisture and fair prices for the products of our farmers and ranchers, we can make further meaningful progress.

A prime concern must be the drought that has clutched this land. It is very real, very serious, and if continued on a widespread basis into the growing season, anticipated state revenues will be dramatically reduced. In that event, let all be forewarned, I would not hesitate to call the Legislature into special session and request your advice and authority to slash appropriations wherever necessary in the new budget to assure Nebraska's fiscal integrity. With the uncertainties that face us, we must proceed with caution and extreme care.

With these fundamental considerations in mind, the Governor's budget for fiscal 1976-77 presented today is based upon three key factors....prudence, productivity, and a proposed tax reduction.

It is my hope that the Legislature will accept this budget, as required to be submitted each year by the Constitution, under Article IV, Section 7, or amend same only under authority specifically granted your honorable body by the Constitution.

The primary goal of this administration has always been to meet the real needs of a healthy, growing Nebraska while recognizing reasonable fiscal restraint. As never before, this is a time for understanding and cooperation.

We must come together to resist what has become common place in much of government today: ever-increasing tax rates or a further plunge into the financial quicksand of bonded debt and in some cases a combination of the two. Specifically, for the sixth time, I again reject in this budget, any funding of road construction through deficit financing.

With growing expenses as experienced by society in general, caused primarily by continued runaway inflation, all government will spend more in total dollars.

However, this fact should not be used as an escape mechanism for elected officials to avoid our prime reponsibilities to intelligently manage and objectively control expenditures.

Few can fault the theory that government spending at all levels, but particularly in Washington, was at least the uncontrolled incubator of inflation and now all the chickens are coming home to roost everywhere and on everyone.

When most of the people in this Chamber were born, few if any individuals paid income or sales taxes at any level of government.

The American Birthright then was truly free since a new citizen did not automatically inherit their share of debt created for them by others. Each American child born in the year of our Lord, One Thousand Nine Hundred and Seventy-Six will be issued a birth certificate and an average debt mortgage of approximately $3,400.00. Never has there been a more classic case of taxation without representation.

For its first century and a half, this country, starting from scratch, marshalled its God given strength and abilities, and built the strongest, soundest, and most stable nation on earth, all while maintaining the principle that we should not spend beyond our means.

The last fifty years, during our lifetime, we have witnessed a steady reverse of the previous sound fiscal course.

A startling statistic, I suggest, that brings all of this into focus is that in the last six years alone, the federal government has "created" approximately 35% of the total national debt accumulated since 1776.

Unless arrested, such mismangement of financial resources will surely bankrupt the United States of America and send her skidding to a third rate world power. New York City has shown us it can happen here!

In Nebraska, we do not propose to turn back the clock. However, we must be ever mindful of what is going on about us and steer a clear course.

With all government spending, there should be a checkpoint, a budget measured and planned on a road of restraint. Such a road is never smooth. Road blocks will be erected by special interest groups, many well intentioned, designed to wreck spending limitations in the pursuit of their goals.

Nevertheless, if we are to be realistic and not reckless, let us first set parameters of expenditures beyond which we shall not go. I call this checkpoint prudence. It forces the setting of priorities on spending. It further provides a non-elastic leash that uncomfortably jerks all back to reality when the spending machine runs wild.

The budget recommendations presented today have been given detailed study and consideration. I have reduced by $53 million the total General Fund spending requests. To insure more productivity, I have struck requests for some 935 new employees.

In developing the Governor's General Fund Budget requirements for fiscal 1976-77, the checkpoint prudence figure of $364.8 million has been established. This figure includes the traditional General Fund contributions to operations and aid to political subdivisions. Enactment of this amount and acceptance of my other spending limitations will allow a reduction of 2% in the state income tax next year, down to 13% of federal liability, while holding the line again at 2½% on the state sales tax. Another option the Legislature has would be to eliminate the sales tax on food at the grocery counter in lieu of the reduction on the income tax.

Increases in total state expenditures are required primarily to fund previous and on-going multi-million dollar commitments and to at least partially recognize continued inflationary costs.

If we are to be prudent, the Legislature must reject giant new tax-gobbling measures totalling at least $145 million scattered throughout the hundreds of bills that you are presently considering.

I congratulate the Legislature for its leadership in suggesting fiscal restraint at the federal level as proposed in Legislative Resolution 106. I urge you to amend and include in that document, the Legislature's spending ceiling for Nebraska, thereby clearly showing the federal government that what we preach is what we practice. You will remember that LR 106, supported by 75% of the members of the Legislature, is your proposed action directing that, "The total of all federal appropriations made by Congress. . . .not exceed the total of all estimated federal revenue for that fiscal year." I respectfully suggest that it would be entirely proper and consistent for us to apply to ourselves the same sound fiscal medicine that we prescribe for others.

Those of us in state government must be alert to a new double-barrelled attack now in full swing on state resources.

The federal government is on a calculated course of shifting traditional federal obligations to the states. Likewise, the subdivisions of state government, not satisfied with the ever-increasing 43% of the state's General Fund Budget, now flowing directly back to them, plus their own taxing power, are appealing for more and more. There are presently at least ten bills before you in this category, an intriguing wish list.

The record is replete with undisputable proof that the more so-called "aid" is provided, the higher taxes and spending go at local levels. The Nebraska Tax Research Council has recently released a study which shows that since 1966, when Nebraska broadened its tax base with the first sales and income taxes, real estate taxation has generally doubled, and in some cases, tripled. So-called "tax relief" is mostly a myth.

For these reasons, I urge your rejection of all such proposals unless you can devise a way to finance them by rearranging priorities within the restraints of my present total budget. Since 43% of the State's General Fund Budget is now being returned to local government, possibly some of these funds presently committed otherwise, totalling $179 million, could be redirected to the new funding requests. We should not knowingly provide escape mechanisms on spending restraints otherwise provided by law.

I will not encroach on your time this morning to comment on most of the important agencies and programs that will require your attention. The detailed budget and accompanying documents are generally self-explanatory. However, there are some matters that should be expanded upon, including legislation in bill form that I am requesting be introduced today.

It has been evident that legislative salaries of $4,800 per year are probably not going to be raised by the voters. With the usual high percentage of State Senators who always seek re-election despite comparative low pay, it is understandable why the citizens cannot be convinced that salaries are a deterrent to those seeking the important position. However, many realize that most of you make personal financial sacrifices to serve. Is it not time to consider lightening your required time to be here in your official capacity?

You are provided with a bill today to allow the people to vote in November on a Constitutional Amendment to return to biennial sessions.

In addition to lightening your work load and improving productivity, such a move could save mllions of dollars and hopefully cut down the unbelievable crunch of bills that somehow overburden you each year.

Since annual sessions began in 1971, the cost of the Legislature has skyrocketed from over $1 million per year to your current request of approximately $4 million for next year.

Should interim sessions be necessary, you can easily call yourselves into session, or the Governor may do so.

I am again requesting introduction of my bill to limit campaign spending and disclosure of income sources for State Constitutional Officers, State Senators, and those seeking such offices. This has been done with the full knowledge that a committee of your body has just killed my previous identical effort in this area.

Similar measures have been passed and currently affect those involved in federal elections. It seems to me that Nebraskans want and are entitled to such action here. I hope that the Legislature will approve this request promptly.

You have before you LB 579 to establish a commission to begin the task of coordination of post secondary education in Nebraska with the goal to eliminate duplication, improve the schools, and save tax dollars. Such a measure is badly needed since Nebraska is far behind in this area. We are one of only three states which have no such coordination.

With post secondary education taking approximately $111 million of the State's annual General Fund Budget, it is certainly an expensive but very necessary function that needs more direction and accumulation of reliable information upon which we can make intelligent decisions.

The record will clearly show that Governor Jim Exon and the members of the Legislature during the last five years are pro-education and are concerned with providing the best education possible for Nebraska youth at all levels. Notwithstanding our accomplishments, there are those with no concern whatsoever for accountability or ability to pay and tax, who mistakenly equate quality of education only with total dollar appropriations.

With $179 million of the State's General Fund Budget pre-empted by the local units of government, $84 million for the university, $13 million for the state colleges, and $38 million in aid to individuals, there remains $103 million, or only 24% for other important functions of state government.

For the community technical colleges, there is provided an increase of $1.8 million over last year. However, I support appropriation of such an amount only if the Legislature will accept a measure that I am introducing today which provides for a reduction of the maximum mill levy on local real and personal property from the present 2.5 to 2 mills. This would reduce such taxes a total of at least $3 million across the State.

The University of Nebraska is by far the largest agency in state government from the standpoint of both employees and consumers of tax dollars. The University of Nebraska is a most valuable asset. We need to assure, as best we can at the legislative and executive levels, its continuing good health, including fair salaries for its needed faculty and other employees. The welfare of our young Nebraskans studying there has been and must continue to be a prime consideration.

The University, like any other agency, must justify its expenditures. I am not convinced that they have adequately done that. Like most others, they should get the message that we expect trimming, better planning, and conservation of tax funds.

A look at the record shows that despite near static full-time equivalent (F.T.E.) enrollment since the 1969-70 budget year, we have more than doubled General Fund expenditures, up 105%. In the 1969-70 year, the General Fund Budget was $37.5 million, compared with this current year of $77 million.

During that period of time, there apparently has been a decrease in productivity, as evidenced by an increase of 29% in the F.T.E. teaching faculty, 120% in administration, and 44% in total employment.

The faculty seems to blame the Governor and the Legislature for not providing enough money. I submit that this is not the case. A recent study has shown that the University of Nebraska is well-financed from state tax funds compared to most of the universities in the Big 8. Some segments of the University, not only compare well, but are in fact number 1 in state tax support.

In the budget, I have recommended an increase for the University of 9.3% from the General Fund, and authority to employ unobligated cash funds in addition. The University requested a 30% increase in one year from $77 million to $100 million. I am recommending an increase of $7.2 million only.

We have allowed great flexibility to the Regents by basically providing lump sum appropriations divided into the four basic areas; Central Administration, Campus Operations, the Agricultural Institute, and Cash, Revolving, and Certain Federal Funds. As provided in the University budget, the Regents are allowed total flexibility, at their discretion, on faculty salaries.

Provided for in the budget is a reasonable raise for state employees, also hit by inflation, of 3% on July 1, 1976 and 3% effective on their service date. We have included a discretionary fund for merit use by agency heads. This equates to an increase in cost to the General Fund of approximately 5.5%.

There was a dramatic increase in the hospitalization costs for the state insurance plan which should, in my opinion, be accepted by the State immediately. Otherwise, most state employees will continue to experience a permament decrease in their take-home pay.

The Capital Construction Budget is stringent. We have continued funding as agreed upon previously for the Veterinary Science and Plant Science Buildings on the Agriculture Campus.

The only major capital construction we face is in penal facilities. As per agreements with the Legislature, we are continuing on a phased approach.

In the last year, there has been a dramatic and totally unpredicted rise in the penal population. We must move as quickly as possible on construction.

In the first session, over my strong objections and veto, it was the Legislature's directive that two medium/minimum facilities should be constructed; one in Omaha with 175 beds, and one in Lincoln with 200 beds.

I am advised that we have an increased and current and projected need of a total of at least 464 beds in this category. Bowing to legislative mandate, you will find in the Capital Construction Budget, a 256 bed facility in Lincoln, with final construction cost estimates of $7.6 million, in addition to a like facility in Omaha at $7.4 million with 208 beds.

I direct your attention to the fact that these costs will be approximately $32,000 per bed which is supposedly under national averages, as shockingly high as that figure is.

If you will, as I recommend, correct your present course and build one unit in Lincoln, we will have completion of all beds at least a year earlier, save the taxpayers a total of $2.2 million in construction costs, and due to economy of scale in the larger institution, save at least $1 million per year, each and every year in operational costs. Please consider the multi-millions in savings over the life expectancy of the facilities. Give us your decision, whatever it is, and we shall proceed.

Thank you for your courteous attention and your valuable time. Although we shall not always agree, we must communicate. Senators are always welcome in my office, and we are anxious to see any of you anytime. I urge you to let me know whenever you think I might be helpful, and I will do likewise.

May God bless us all in our endeavors as we attempt, each in our own way, to do individually and collectively, what we believe to be best for the people we are proud to serve in our wonderful Nebraska.

Thank you.

The Committee escorted the Governor from the Chamber.

SELECT FILE

LEGISLATIVE BILL 432. Mr. Chambers renewed his pending amendment found in this day's Journal. The amendment was adopted with 27 ayes, 3 nays and 19 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 248. Mr. Barnett renewed his pending amendment found in the Journal on page 246 for the Eighth Day.

Mr. Kennedy asked unanimous consent to have the bill laid over until Speaker Burbach returns. No objections. So ordered.

LEGISLATIVE BILL 622. Mr. Luedtke offered the following amendments:

1. On page 2 insert the following new section: "Section 1. That section 64-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

64-101. (1) The Governor is hereby authorized to appoint and commission such number of persons to the office of notary public as he shall deem necessary. (2) There shall be one class of such appointments which shall be valid in the entire state and referred to as general notaries public. (3) The term effective date, as used with reference to a commission of a notary public, shall mean the date of the commission unless the commission shall state when it goes into effect, in which event that date shall be the effective date. (4) A general commission may refer to the office as notary public and shall contain a provision showing that the person therein named is authorized to act as a notary public anywhere within the State of Nebraska or, in lieu thereof, may contain the word general or refer to the office as general notary public. (5) No person shall be appointed a notary public unless his or her application is accompanied by the petition of at least twenty-five legal voters of the county in which he or she resides. (6) No appointment shall be made until such applicant shall have attained the age of ~~twenty~~ nineteen years nor unless such applicant shall certify to the Governor under oath that he or she has carefully read and understands the laws relating to the duties of notaries public and will, if commissioned, faithfully discharge the duties pertaining to said office and keep records according to law. (7) Each person appointed a notary public shall hold office for a term of four years from the effective date of his or her commission unless sooner removed.".

2. Renumber original sections 1 to 7 as sections 2 to 8, respectively.

3. On page 5, line 12, insert "64-101," after "sections".

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 545. E & R amendment found in the Journal on page 360 for the Fourteenth Day was adopted.

Mr. Kennedy renewed his pending amendment found in the Journal on page 221 for the Sixth Day. The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 339. E & R amendments found in the Journal on page 361 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 348. E & R amendment found in the Journal on page 361 for the Fourteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 265. E & R amendments found in the Journal on page 361 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 544. E & R amendments found in the Journal on page 362 for the Fourteenth Day were adopted.

Mr. Schmit asked unanimous consent to print proposed amendments to LB 544 and letters on LB 544 in the Journal. No objections. So ordered.

Schmit amendments to LB 544

1. On page 2, lines 16 through 27, and on pages 3, 4 and 5, strike all new matter.

2. On page 2, line 14, reinstate the following stricken language: "in accordance with the requirements".

3. On page 2, line 16, following the stricken period, insert the following: "of section 2 of this act."

4. On page 2, add a new section to read as follows:

Sec. 2. Registrants under this act shall provide the director assurances of their financial ability to faithfully and promptly account for and pay to the sellers with whom they deal or their designated representatives, the total proceeds from the sale of slaughter livestock in accordance with the following requirements:

(1) Each registrant shall file a surety bond or bond equivalent with the director. Such surety bonds and bond equivalents shall meet the following requirements:

(a) Bond equivalents shall be in the form of a trust agreement, and the fund of the trust shall be in the form of fully negotiable obligations of the United States or certificates of deposit insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) The amount of the bond or bond equivalent shall be not less than the next multiple of five thousand dollars above the average of all purchases of slaughter livestock from Nebraska residents during a period equivalent to two business days based on the total number of business days and the total amount of such transactions in the preceding twelve months, or in such substantial part thereof, if any, in which the registrant did business. In the case of new registrants, the amount of the bond or bond equivalent shall be based upon the level of purchases reasonable to be expected, as determined by the director. For the purpose of computing average daily value, two hundred and sixty is deemed the number of business days in a year.

(c) Whenever a registrant's weekly purchases exceed one hundred fifty percent of his average weekly purchases, such fact shall be reported to the director, and the director may require an increase in the amount of the bond or bond equivalent. The amount of the increase shall be determined by the director, but shall not be excessive in relation to the increased volume of purchases.

(d) All registrants shall review their level of purchases each six months to determine the adequacy of their bonds or bond equivalents. Whenever such a review reveals that the level of purchases has increased to such an extent that the amount of the bond or bond equivalent should be increased by five thousand dollars or more based upon the formula set out above, a new or amended bond or bond equivalent of such amount shall be filed.

(e) Bonds or bond equivalents shall provide that prior to terminating or reducing the amount of the bond or bond equivalent, at least thirty days notice in writing shall be given to the director by the party terminating or reducing the amount; Provided, that no such notice shall be required in cases wherein a replacement bond or bond equivalent of sufficient amount is provided for. Whenever a bond or bond equivalent is to be terminated by a cancellation by the surety or trustee, the director may cause notice of such fact to be published. Bonds and bond equivalents shall provide that termination will not release the parties from liability arising out of facts or transactions occurring prior to the termination date.

(f) In the case of bonds filed with the director, the registrant and surety of the bond shall be held and firmly bound to the State of Nebraska as trustee for all Nebraska residents from whom the registrant has purchased slaughter livestock and failed to pay in full therefor before the close of the next business day following the purchase or within twenty-four hours following the determination of the price, whichever may occur last, or, in the case of an express agreement between the seller and purchaser, according to the terms of such agreement. In the case of bond equivalents filed with the director, the trust agreement shall provide as beneficiary, the State of Nebraska for the benefit of all Nebraska residents from whom the registrant has purchased slaughter livestock and failed to pay in full therefor before the close of the next business day following the purchase or within twenty-four hours following the determination of the price, whichever may occur last, or, in the case of an express agreement between the seller and purchaser, according to the terms of such agreement. The bond or trust agreement of a registrant shall be conditioned for the payment only of those claims which arise from purchases of livestock from Nebraska residents, and further conditioned to provide that the proceeds of the bond or the fund of the trust shall not be used to pay fees, salaries, or expenses for legal representation, or be subject to attachment for any other claim, or to levy of execution upon a judgment based on any other claim.

(g) Registrants operating more than one plant used to slaughter livestock purchased from Nebraska residents shall describe with particularity the exact locations of the plants slaughtering such livestock and thus covered by the bond or bond equivalent; Provided, that nothing contained herein shall prevent a registrant operating multiple plants from bonding each such plant individually, or establishing separate trust agreements for each plant.

(h) Bonds filed with the director shall be with a surety company duly authorized to do business within the State of Nebraska, and trustees of bond equivalents filed with the director shall be institutions located within the State of Nebraska in which funds are invested or deposited.

(i) Bonds and bond equivalents shall provide that persons damaged by nonpayment of obligations on the part of the registrant may maintain an action against the registrant, and the surety on the bond or the trustee of the trust fund, even though not named as a party to the bond or bond equivalent.

(j) Bonds and bond equivalents shall provide that any claim for recovery on the bond or trust agreement must be filed in writing with the surety, the trustee, or the director, and the party who receives such claim shall, within twenty-four hours notify the other such party or parties and the registrant of the fact of such filing. Neither the surety on a bond nor the trustee of a trust agreement shall be liable to pay any claim if it is not filed in writing within one hundred and twenty days from the date of the transaction on which the claim is based, or if suit thereon is commenced less than one hundred and eighty or more than five hundred and forty-seven days from the date of the transaction on which the claim is based.

(k) Trust funds shall not be removed from trust by a registrant until the expiration of one hundred and twenty days after the date of termination of a trust, and then only if no claims secured by the agreement have been filed under subdivision (j) above. If any such claims have been filed, the withdrawal of funds by the registrant shall not be permitted until the claims have been satisfied or released and evidence of satisfaction or release has been filed with the director.

(2) Each registrant shall file an annual financial statement with the director. Such statement shall:

(a) Be filed within thirty days prior to the anniversary date of the initial registration; Provided, that, at the option of the registrant, a date in lieu of the actual anniversary date may be designated by the director and the registrant, in which case, the annual statement shall be filed within thirty days prior to the designated date,

(b) Have been prepared by a Certified Public Accountant within ninety days prior to the date established in subdivision (i), above,

(c) Accurately reflect the financial condition of the business at the time of preparation, and

(d) Contain, or be accompanied with, a statement of the total amount of purchases of slaughter livestock from Nebraska residents during the period of time covered by the financial statement.

(3) In cases wherein:

(a) The registrant has reasonable cause to believe that the financial condition of the business may change to such an extent within the upcoming year as to cause a reasonable expectation that the registrant may be unable to fulfill his financial obligations incurred in the purchase of slaughter livestock, and

(b) The conditions creating such reasonable belief are not readily ascertainable from the contents of the financial statement currently on file or in the process of being prepared for filing, each registrant shall file at the time such conditions become known or in conjunction with the financial statement being prepared for filing, a detailed account of such conditions sufficient to enable the director to ascertain whether assurances of financial ability in addition to those provided for herein shall be required of the registrant.

(4) Each registrant shall be required by the director, if determined by the director to be necessary, to file regular or special written reports or answers to specific questions for the purpose of furnishing information concerning the registrant's financial condition as it relates to his ability to fulfill his financial obligations incurred in the purchase of slaughter livestock if:

(a) A statement is filed under subsection 3,

(b) The director determines that the financial statement filed under subsection 2 above is inadequate to accurately reflect the financial conditions of the registrant, and no statement is filed under subsection 3 above, or

(c) The registrant fails to fully comply with the provisions of this act.

(5) After having been offered an opportunity for a hearing, each registrant shall be required by the director to furnish assurances of financial ability in addition to those specified herein in cases wherein:

(a) The director determines such to be necessary based upon the existence of conditions which have or should have resulted in the filing of a statement under subsection 3 above, or

(b) The amount of the bond or bond equivalent filed hereunder, while in an amount equal to that required by subsection 1 above, is inadequate because of the volume of business conducted on a seasonable or other irregular basis.

The additional assurances the director may require may include but not be limited to the filing of a bond or bond equivalent in excess of the amount required under subsection 1 above. Nothing contained herein shall prevent the director from foregoing an application for equitable relief under section 54-1805 of this act when the additional assurances of financial ability provided by the registrant are found by the director to adequately protect the Nebraska residents from whom the registrant purchases slaugher (sic) livestock.

State of Nebraska
Department of Agriculture
P. O. Box 4844
Lincoln, Nebraska 68509

January 14, 1976

The Honorable Loran Schmit
Nebraska Legislature
State Capitol Building
Lincoln, NE 68509

Dear Loran:

RE: LB 544

As you know, the Department of Agriculture was able to adopt regulations under the Nebraska Livestock Sellers Protective Act requiring the filing of a bond covering two days' purchases of slaughter livestock. The implementation of these regulations has been met with excellent cooperation extended by the meat packers, thus rendering it very successful. In addition, the regulations require the filing of annual financial statements and other reports.

This action was achieved in cooperation with both government and industry. Since we are so frequently criticized for having extra laws passed, this is a case where we can achieve the end result with current legislation.

At this time, I see no problems. If any change should occur that would require legislation, I will certainly keep the legislative agriculture committee closely informed.

If we can be of further assistance in this matter, please advise.

Sincerely,

DEPARTMENT OF AGRICULTURE
(Signed) Glenn W. Kreuscher
Director

GWK:clb

State of Nebraska
Department of Agriculture
P. O. Box 4844
Lincoln, Nebraska 68509

January 19, 1976

Senator Loran Schmit
Nebraska Legislature
State Capitol Building
Lincoln, NE 68509

Dear Senator Schmit:

Re: LB 544

After having reviewed the condition of LB 544 following adoption of last session's standing committee amendments, it occurs to me that passage of the bill in its present form will result in less protection to the sellers of slaugher (sic) livestock than is now in existence through the present statute accompanied by the department's rules and regulations. The present requirements include the filing of annual financial statements and other financial reports. The availability of such data could improve the department's prospects of dealing with another "American Beef" situation at an early state. The present statute also authorizes rule-making by the department which LB 544 would eliminate.

Both of these points were made to your Committee's counsel last session. It was my understanding that they would be rectified through the Committee amendments but apparently that was not the case.

The department recommends that the present provisions of LB 544 be changed. There appear to be at least three alternative methods of doing so.

One possibility would be enacting no legislation whatsoever. This would guarantee continuation of the current level of protection without disturbing the current beneficial atmosphere of cooperation we now enjoy with the meat packing industry.

Another possibility would be to amend LB 544 by restoring the rule-making authority and specifying the types of rules we now have. A copy of an appropriate amendment to do this is attached, marked No. 1.

The final possibility is to incorporate the current regulations into the statute. A copy of an amendment for this is also attached, marked No. 2.

Myself, or anyone else at the department, would be most willing to further discuss this matter with you at your convenience. Please give us a call.

Sincerely yours,

DEPARTMENT OF AGRICULTURE
(Signed) William F. Abell
Attorney

Enc.

Mr. Schmit asked unanimous consent to hold LB 544. No objections. So ordered.

LEGISLATIVE BILL 425. E & R amendments found in the Journal on page 371 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 574. E & R amendments found in the Journal on page 371 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 383. E & R amendments found in the Journal on page 371 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARINGS

Appropriations

LB 847	Monday, February 2, 1976	1:30 p.m.
LB 868	Monday, February 2, 1976	1:30 p.m.
LB 869	Monday, February 2, 1976	1:30 p.m.
LB 903	Monday, February 2, 1976	1:30 p.m.
LB 944	Monday, February 2, 1976	1:30 p.m.
LB 824	Monday, February 2, 1976	1:30 p.m.
LB 871	Monday, February 2, 1976	1:30 p.m.
LB 798	Tuesday, February 3, 1976	1:30 p.m.
LB 815	Tuesday, February 3, 1976	1:30 p.m.
LB 867	Tuesday, February 3, 1976	1:30 p.m.
LB 927	Tuesday, February 3, 1976	1:30 p.m.
LB 829	Wednesday, February 4, 1976	1:30 p.m.
LB 838	Wednesday, February 4, 1976	1:30 p.m.
LB 883	Wednesday, February 4, 1976	1:30 p.m.
LB 939	Wednesday, February 4, 1976	1:30 p.m.
LB 972	Wednesday, February 4, 1976	1:30 p.m.

(Signed) Richard D. Marvel, Chairman

STANDING COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 639. Placed on General File as amended.
Standing Committee amendments to LB 639:

1. On page 4, line 19, strike "(1)" and show as stricken; line 24, strike "(a)" and insert "~~(a)~~(1)"; line 26, after "~~(b)~~" insert "(2)" and thereafter reinstate the remaining stricken matter; line 27, reinstate the stricken matter.

2. On page 5, line 1 strike "(b)" and insert "(3)"; line 3 strike "(c)" and insert "(4)"; strike lines 7 through 27 and show as stricken.

3. On page 6, strike lines 1 through 23 and show as stricken, and after line 23 insert a new section as follows:

"Sec. 4. That section 83-1,115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,115. Before making a determination ~~regarding a committed offender's release on~~ under section 83-1,114 relating to deferral of parole, the Board of Parole shall consider the following:

(1) The offender's ability and readiness to assume obligations and undertake responsibilities;

~~(1)~~ (2) A report prepared by the institutional caseworkers relating to ~~his~~ the offender's personality, ~~social history~~ maturity, stability, and adjustment to authority, and including any recommendations which the staff of the facility may make. Such report shall also reflect the offender's conduct in the facility, including particularly whether he has taken advantage of the opportunities for self-improvement, whether he has been punished for misconduct within six months prior to his hearing or reconsideration for parole release, whether any reductions of term have been forfeited, and whether such reductions have been restored at the time of hearing or reconsideration;

(3) The adequacy of the offender's parole plan, including the offender's employment history and skills, the type of residence and neighborhood in which the offender plans to live, the offender's family, and constructive associations in the community in which he plans to live;

(4) The reports of any physical, mental, and psychiatric examinations of the offender, including the offender's past use of narcotics, or past habitual and excessive use of alcohol;

~~(2)~~ (5) All official reports of his prior criminal record, including reports and records of earlier probation and parole experiences;

~~(3)~~ (6) The presentence investigation report;

~~(4)~~ (7) Recommendations regarding his parole made at the time of sentencing by the sentencing judge;

~~(5) The reports of any physical, mental and psychiatric examinations of the offender;~~

~~(6)~~ (8) Any relevant information which may be submitted by the offender, his attorney, the victim of his crime, or by other persons; and

~~(7)~~ (9) Such other relevant information concerning the offender as may be reasonably available.";
line 25, strike "and 83-1,114" and insert "83-1,114, and 83-1,115".

4. Renumber original section 4 as section 5.

5. In the title, line 2 strike "and"; line 3 after "83-1,114," insert "and 83-1,115,".

(Signed) Roland A. Luedtke, Chairman

MOTION—Rule Change

Mr. Barnett offered the following rule change:

Rule 5 - General Provisions
Sec. 5.

(b) A bill may be introduced at the request of the Governor at any time. A standing committee or special committee may introduce a bill for any purpose including at the request of another senator provided said bill receives the endorsement of a majority of the committee members, whose names shall be on the bill and the motion to introduce the bill receives a vote of three-fifths of the elected members of the Legislature. For the term of each Legislature, no committee shall introduce more than ten bills during the first regular session, and no more than five bills during the second regular session of such Legislature.

(d) In the regular sessions of each Legislature each member shall be limited as an introducer or co-introducer to a cumulative total of 10 bills for the period of introduction of bills by individual members for the entire term of the Legislature. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of 10 bills; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members. Bills introduced under Rule 5, sec. 3a will not be included in the limitation.

Referred to the Rules Committee.

GENERAL FILE

LEGISLATIVE BILL 579. Bracketed until January 29, 1976 at the request of Mr. F. Lewis.

LEGISLATIVE BILL 91. Considered.

Mr. Bereuter offered the following amendments:

1. On page 3, line 16 strike "following information" and insert "full name and address of the applicant or applicants or names and addresses of the partner if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and current or most recent occupation of the applicant at the time of the filing of the application"; in line 18 after "regulation" insert a period and strike beginning with the colon in line 18 through the period in line 27.

2. On page 4 strike lines 1 to 14; in lines 16 and 17 strike "all plans and specifications and other" and insert "the"; and in line 19 strike "ten" and insert "five".

3. On page 5 strike beginning with "Each" in line 22 through the period in line 24.

4. On page 6, line 22 after "department" insert a period and strike beginning with "or" in line 22 through the period in line 24.

5. On page 7, in lines 4 and 20 after "thereto" insert ", pursuant to section 5 of this act,".

6. On page 8, strike beginning with "including" in line 3 through "buildings," in line 6; in line 7 strike the comma after "systems", strike "and safety" and in line 7 after the period insert "The department shall not adopt or enforce by rules and regulations any design, construction, or land use standards for any mobile home park."; in lines 19 and 20 strike "design, construction, land use or".

7. On pages 11 and 12 strike subsections (4) and (5) of section 10 of this act.

8. On page 13, line 1, after "or" insert "utility or sanitation".

The amendments were adopted with 25 ayes, 2 nays and 22 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 346. Bracketed until February 11, 1976 at the request of Mr. Fowler.

LEGISLATIVE BILL 585. Title read. Considered.

Mr. Luedtke offered the following amendment to the Standing Committee amendments:

Amend the Committee Amendment to LB 585.

In Section 8 of the amendment appearing at page 220 of the Legislative Journal, strike "real estate interest" in the new matter and insert "interest in Nebraska real estate" in its place.

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Luedtke offered the following amendment to the Standing Committee amendments:

In Standing Committee amendment 7, strike "the acting county judge," and insert "some competent person,".

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Standing Committee amendments found in the Journal on page 218 for the Sixth Day were adopted, as amended, with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 460. Replaced on Select File as amended.
E & R amendments to LB 460:

1. On page 10, lines 26 and 27, strike "Revised Statutes Supplement, 1974" and insert "Reissue Revised Statutes of Nebraska, 1943".
2. Renumber new section 8 added by the Maresh amendment as section 9, original section 6 as section 10, and new section 10 added by the Duis amendment as section 11.
3. Because of duplication, strike new section 10 added by the Maresh amendment.
4. In the Duis amendments, line 6, strike "department" and insert "Department of Aeronautics"; in line 17 strike "facility" and insert "facilities"; and in line 20 strike "area" and insert "areas".
5. On page 13, strike lines 24 to 27 and amendments thereto and insert:

"Sec. 10. That original sections 3-101, 3-104, 3-105, 3-111, 3-128, 3-139, 3-150, and 79-446.01, Reissue Revised Statutes of Nebraska, 1943, and also section 3-132, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

6. In the title as amended strike lines 2 to 8 and insert:

"FOR AN ACT relating to aeronautics; to define and redefine terms; to change duties and authority; to eliminate provisions for licensing of air schools; to provide for temporary permits; to change provisions for tuition payments; to amend sections 3-101, 3-104, 3-105, 3-111, 3-128, 3-139, 3-150, and 79-446.01, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections, and also section 3-132, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.".

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 674. Placed on General File as amended.
Standing Committee amendments to LB 674:

1. On page 3, line 2 after "83-210.07" insert ", and which do not employ more than three full-time people or the equivalent thereof if part-time employees are utilized"; and in line 9 strike "revolving" and insert "~~revolving~~ cash".

2. On page 4, line 15 before "(b)" insert "shall".

3. On page 6, line 17 strike "section 83-210" and show as stricken and insert "sections 83-210.01 to 83-210.07".

(Signed) Thomas C. Kennedy, Chairman

Judiciary

LEGISLATIVE BILL 687. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

NOTICE OF COMMITTEE HEARING

Public Works

LB 146	Friday, February 13, 1976	1:30 p.m.
LB 969	Friday, February 13, 1976	1:30 p.m.

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 519 in the Journal. No objections. So ordered.

Amendments to LB 519

1. Strike original sections 1 to 7 and insert the following:

"Section 1. Each county shall have the power to issue revenue bonds for the purpose of acquiring, constructing, equipping, or furnishing, any new revenue-producing race track or horse racing facility within or without its boundaries and for the purpose of refunding any such bonds.

Sec. 2. Any county constructing or acquiring any race track and horse racing facilities pursuant to section 1 of this act shall be authorized to lease to or enter into an agreement for the operation and maintenance of such facilities with a Nebraska nonprofit corporation organized exclusively for civic purposes or which conducts a livestock exposition for the promotion of the livestock or horse breeding industry of the state and which does not permit its members to derive personal profit from its activities by way of dividends or otherwise. Any such lease or operating agreement shall provide that all revenue derived therefrom shall be used for expenses of operation and maintenance of the facilities, improvements, or additions to such facilities and public works projects within the county.

Sec. 3. During the time when any revenue bonds authorized under section 1 of this act are outstanding, but not to exceed twenty years or the period of time in which the initial issue of revenue bonds for construction of the facilities are outstanding, whichever is less, the tax imposed by section 2-1208.01, shall not be collected with respect to race meetings held at such facilities, it being hereby determined and declared that the construction of such facilities is in all respects for the benefit of the people of the State of Nebraska for the improvement of their welfare and prosperity and that the provisions of this act will create facilities which, when paid for, will contribute and produce taxes under such section.

Sec. 4. That section 2-1208.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1208.01. ~~There~~ Except for the period provided in sections 2 and 3 of this act, there is hereby imposed a tax on the gross sum wagered by the pari-mutuel method at each race meeting at the following rates: (1) The first one million dollars shall not be taxed, and (2) any amount in excess of one million dollars shall be taxed at a rate of five per cent. The tax imposed by this section shall, within ten days after the close of each race meeting, be paid into the state treasury for deposit in the state General Fund.

Sec. 5. That original section 2-1208.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Carsten, the Legislature adjourned until 9:00 a.m., Wednesday, January 28, 1976.

Vincent D. Brown
Clerk of the Legislature

SIXTEENTH DAY—JANUARY 28, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 28, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father of freedom and Author of Liberty, earnestly we seek Thee and invoke Thy blessing upon all assembled here in this shrine of democracy. We stand before Thee acknowledging Thy sovereignty and reaffirming our belief that Thou art the Supreme Governor, the ruler of all states.
>
> Bless, guide and sustain the Governor, Lieutenant Governor, this distinguished legislative body - our cherished and consecrated leaders. Through their devotion to our great state and nation, may the records of their achievements during the current year be recorded with pride, joy and satisfaction.
>
> Imbue them, we pray, with the understanding and patience required of those who would dedicate their lives to serving Thy children. Grant them steadfast hearts and resolute determination to preserve and perpetuate the ideals that have made this nation the home of the free and the land of the brave. May harmony and sincerity of purpose ever guide their endeavors. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Koch who was excused and Mr. F. Lewis who was excused until he arrived.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 477. Replaced on Select File as amended.
E & R amendments to LB 477:

1. On page 10, line 21, strike the comma.

LEGISLATIVE BILL 339. Replaced on Select File as amended.
E & R amendment to LB 339:

1. In the Cope amendments, page 3, line 7, strike "to".

(Signed) Donald N. Dworak, Chairman

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 896	Monday, February 9, 1976 Room 2230	1:30 p.m.
LB 960	Monday, February 9, 1976 Room 2230	1:30 p.m.
LB 964	Monday, February 9, 1976 Room 2230	1:30 p.m.
LB 951	Tuesday, February 10, 1976 Room 2230	1:30 p.m.
LB 938	Tuesday, February 10, 1976 Room 2230	1:30 p.m.
LB 958	Tuesday, February 10, 1976 Room 2230	1:30 p.m.

(Signed) J. R. Murphy, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 971A. By Speaker Burbach, 19th District, at request of Governor.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 971, Eighty-fourth Legislature, Second Session, 1976; and to declare an emergency.

LEGISLATIVE BILL 974. By Speaker Burbach, 19th District, at request of Governor.

A BILL FOR AN ACT to amend sections 83-217 and 83-222, Reissue Revised Statutes of Nebraska, 1943, and section 83-107.01, Revised Statutes Supplement, 1975, relating to the Beatrice State Home; to change the name; to delete reference to detention and arrest; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 975. By Speaker Burbach, 19th District, at request of Governor.

A BILL FOR AN ACT to make appropriations and reappropriations for the expenses of state government for the period of July 1, 1976, to June 1, 1977; and to declare an emergency.

LEGISLATIVE BILL 976. By Speaker Burbach, 19th District, at request of Governor.

A BILL FOR AN ACT to make appropriations and reappropriations to various agencies for the period of July 1, 1976, to June 30, 1977, for state-aid payments and costs; and to declare an emergency.

LEGISLATIVE BILL 977. By Speaker Burbach, 19th District, at request of Governor.

A BILL FOR AN ACT to amend section 81-1010, Revised Statutes Supplement, 1974, relating to state-owned motor vehicles; to delete provisions relating to expenses and administrative costs of the transportation services bureau as prescribed; and to repeal the original section.

LEGISLATIVE BILL 978. By Speaker Burbach, 19th District, at request of Governor.

A BILL FOR AN ACT to amend sections 68-701 and 68-704, Reissue Revised Statutes of Nebraska, 1943, relating to public welfare; to change the name of the Department of Public Welfare to the Department of Human Resources; to harmonize other sections of law; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 979. By Speaker Burbach, 19th District, at request of Governor.

A BILL FOR AN ACT to make an appropriation to provide for the payment of salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1976 to June 30, 1977; and to declare an emergency.

LEGISLATIVE BILL 980. By Speaker Burbach, 19th District, at request of Governor.

A BILL FOR AN ACT to provide for the payment of the salaries of the officers of the Nebraska state government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1977; to provide for the payment thereof; and to declare an emergency.

LEGISLATIVE BILL 981. By Speaker Burbach, 19th District, at request of Governor.

A BILL FOR AN ACT to amend section 44-1620, Revised Statutes Supplement, 1974, relating to insurance; to provide exceptions to the Nebraska State Insurance Program for University of Nebraska and state college employees; and to repeal the original section.

LEGISLATIVE BILL 982. By Speaker Burbach, 19th District, at request of Governor.

A BILL FOR AN ACT relating to elected constitutional officers; to limit the amount of money spent by a candidate for public office; to change requirements for the filing of statements of receipts and expenditures; to specify violations; to provide penalties; to amend sections 32-1140 and 49-1106, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

LEGISLATIVE BILL 983. By Speaker Burbach, 19th District, at request of Governor.

A BILL FOR AN ACT to amend sections 79-2637, 79-2644, 79-2649, 79-2650, and 79-2656, Revised Statutes Supplement, 1975, relating to technical community colleges; to redefine a term; to change powers and duties of the board relating to audits as prescribed; to change provisions on warrants; to provide mill levy restrictions; to strike the provision exempting commission employees from the personnel system; and to repeal the original sections.

LEGISLATIVE BILL 984. By Speaker Burbach, 19th District, at request of Governor.

A BILL FOR AN ACT relating to appropriations; to provide authorizations; to make appropriations for capital construction, planning, repair, renovation, and demolition; to reaffirm previous appropriations; to authorize the acceptance of gifts; to provide duties; to provide severability; to repeal sections 53 and 54, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975; and to declare an emergency.

LEGISLATIVE BILL 985. By Speaker Burbach, 19th District, at request of Governor.

A BILL FOR AN ACT to make an appropriation for the expenses of the Nebraska Mental Retardation Panel for the period of July 1, 1976, to June 30, 1977; and to declare an emergency.

UNANIMOUS CONSENT—Member Excused

Mr. R. Lewis asked unanimous consent to be excused at 10:15 a.m. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 219, 299, 515, 521, 581, 587, 596, 613, 614, 615, 616, 617, 618, 619, 620, and 621.

(Signed) Donald N. Dworak, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 329.

A BILL FOR AN ACT to amend sections 60-404 and 60-409, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide that each county furnish office space for the administration of the operator's license examination; to increase the percentage of certain fees retained by the county; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40.

Barnett
Bereuter
Burrows
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Hasebroock
Johnson
Kelly
Keyes
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 3:

Burbach
Kennedy
Marvel

Not voting, 6:

Anderson Carsten Goodrich Kime Koch
R. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 386.

A BILL FOR AN ACT to amend sections 81-847 and 81-849, Revised Statutes Supplement, 1974, relating to the Board of Examiners for Professional Engineers and Architects; to provide the board with discretion in issuing certificates of registration; to reduce the age of eligibility; to increase credit for active practice; to change fees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson Bereuter Burbach Burrows Carsten
Cavanaugh Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fowler George
Hasebroock Johnson Kelly Kennedy Keyes
Kime Kremer F. Lewis R. Lewis Luedtke
Mahoney Maresh Marsh Marvel Mills
Moylan Murphy Nichol Rasmussen Rumery
Savage Schmit Simpson Skarda Stoney
Stull Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 4:

Barnett Fitzgerald Goodrich Koch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 485.

A BILL FOR AN ACT relating to drugs; to prohibit certain actions with respect to drugs which can only be lawfully distributed by means of a prescription; and to provide penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Burbach	Goodrich	Koch	R. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 487.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to provide for the use of Department of Health analyses of controlled substances as admissible evidence in preliminary hearings in the courts of the state.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 1:

Cavanaugh

Not voting, 4:

Goodrich Koch F. Lewis Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 536. Mr. Schmit moved to return LB 536 to Select File for the following specific amendment:

1. On page 3, lines 12 and 13 strike "animals" and insert "cattle, hogs, and sheep".

The motion prevailed with 45 ayes, 0 nays and 4 not voting.

LEGISLATIVE BILL 569.

A BILL FOR AN ACT to amend section 60-419, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle operators' licenses; to delete a requirement for revocation; to end keeping of records of license revocations of incarcerated persons; to provide duties for the Director of Correctional Services; to delete a requirement for certain reports; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Clark Cope
DeCamp Duis Dworak Fowler Hasebroock
Johnson Kelly Keyes Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Moylan Nichol Rumery Savage Schmit
Simpson Stoney Swigart Warner Wiltse

Voting in the negative, 6:

Dickinson Kennedy Kime Rasmussen Stull
Syas

Not voting, 8:

Fitzgerald
George
Goodrich
Koch
Marvel
Mills
Murphy
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 586.

A BILL FOR AN ACT relating to public health and welfare; to relieve certain individuals from liability for slander, libel, defamation of character, or breach of a privileged communication as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Anderson
Barnett
Bereuter
Carsten
Chambers
DeCamp
Duis
Dworak
Fitzgerald
Fowler
Hasebroock
Kelly
Kennedy
Keyes
F. Lewis
R. Lewis
Luedtke
Mahoney
Marsh
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Stoney
Swigart
Syas
Warner
Wiltse

Voting in the negative, 11:

Burbach
Burrows
Cavanaugh
Clark
Cope
Dickinson
Kime
Kremer
Maresh
Marvel
Stull

Not voting, 5:

George
Goodrich
Johnson
Koch
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 536. The Schmit specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 76 to Select File

Mr. Murphy moved to return LB 76 to Select File for the following specific amendment:

On Line 14 after the word fund add "and all such payments are deemed to be a portion of salary".

Mr. Murphy raised a point of order on the personal remarks of Mr. F. Lewis.

The Chair sustained the point of order.

Mr. Chambers appealed the decision of the Chair. The question is, "Shall the Chair be overruled?"

The motion lost with 2 ayes, 31 nays and 16 not voting.

Mr. Murphy moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay and 25 not voting.

Mr. Kelly requested a record vote on the Murphy motion.

Mr. Murphy moved the Call be raised. The motion prevailed.

Voting in the affirmative, 26:

Burbach	Carsten	Clark	DeCamp	Dickinson
Dworak	Fitzgerald	George	Kelly	Kennedy
Keyes	Kime	Kremer	R. Lewis	Maresh
Marsh	Marvel	Moylan	Murphy	Nichol
Rasmussen	Schmit	Stull	Swigart	Warner
Wiltse				

Voting in the negative, 14:

Barnett	Burrows	Cavanaugh	Cope	Fowler
Goodrich	F. Lewis	Luedtke	Mahoney	Rumery
Savage	Simpson	Skarda	Syas	

Not voting, 9:

Anderson	Bereuter	Chambers	Duis	Hasebroock
Johnson	Koch	Mills	Stoney	

The motion prevailed to return LB 76 to Select File with 26 ayes, 14 nays and 9 not voting.

SELECT FILE

LEGISLATIVE BILL 76. The Murphy specific amendment found in this day's Journal was renewed.

Mr. F. Lewis moved to bracket LB 76 until Friday, January 30, 1976. The motion prevailed with 27 ayes, 13 nays and 9 not voting.

LEGISLATIVE BILL 248. Mr. Barnett renewed his pending amendment found in the Journal on page 246 for the Eighth Day.

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Bereuter renewed his pending amendment found in the Journal on page 317 for the Eleventh Day.

Mr. Cavanaugh offered the following amendment to the Bereuter amendment:

Amend LB 248, page 8 on Line 3 beginning with "In" strike all matter and strike line 4 through 8.

Speaker Burbach moved to have the bill laid over and print any pending amendments.

Speaker Burbach moved for a Call of the House. The motion prevailed with 27 ayes, 1 nay and 21 not voting.

Mr. Nichol moved the Call be raised. The motion prevailed.

The Burbach motion to bracket prevailed with 27 ayes, 7 nays and 14 not voting.

Mr. F. Lewis proposed the following amendment to LB 248:

To strike the Bereuter amendments adopted January 12, 1976 on General File both No. 1 and No. 2.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 626. Placed on General File.
LEGISLATIVE BILL 733. Placed on General File.

(Signed) Frank Lewis, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 634. Placed on General File.
LEGISLATIVE BILL 664. Placed on General File.
LEGISLATIVE BILL 665. Placed on General File.

LEGISLATIVE BILL 670. Placed on General File as amended.
Standing Committee amendment to LB 670:
1. On page 2, lines 10 and 15 strike "his" and insert "~~his~~ such person's".

LEGISLATIVE BILL 228. Indefinitely postponed.
LEGISLATIVE BILL 385. Indefinitely postponed.
LEGISLATIVE BILL 411. Indefinitely postponed.

(Signed) Gary L. Anderson, Chairman

Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 106. Placed on General File.

(Signed) George Syas, Chairman

SELECT COMMITTEE REPORTS

Rules

January 27, 1976

Mr. President,

The Rules Committee met Thursday afternoon, January 15, 1976, and acted favorably on the following rule changes:

Add a new section to Rule 3 which would be Section 25 which would read as follows: "The Executive Board may hold hearings on any matter relating to its duties and responsibilities within the legislative process. Such hearings may be called by the Chairman of the Executive Board or any of its members."

Amend Rule 4 to include a new section 4 to read as follows: "All resolutions shall pass through the process of Enrollment and Review in the regular course of their consideration." Present sections 4 through 9 would be renumbered as sections 5 through 10.

January 27, 1976

Mr. President,

The Rules Committee met Tuesday afternoon, January 27, 1976, and acted favorably on the following rule change:

Amend Rule 6, 2g by adding the following matter: "Any motion to amend an appropriation bill or a motion to amend an amendment to an appropriation bill shall require a majority vote of the elected members."

(Signed) John W. DeCamp, Chairman

NOTICE OF COMMITTEE HEARINGS

Miscellaneous Subjects

LB 788	Thursday, February 5, 1976	1:30 p.m.
LB 789	Thursday, February 5, 1976	1:30 p.m.
LB 801	Thursday, February 5, 1976	1:30 p.m.
LB 873	Thursday, February 12, 1976	1:30 p.m.
LB 874	Thursday, February 12, 1976	1:30 p.m.
LB 901	Thursday, February 12, 1976	1:30 p.m.
LB 905	Thursday, February 12, 1976	1:30 p.m.
LB 932	Thursday, February 12, 1976	1:30 p.m.
LB 898	Friday, February 13, 1976	1:30 p.m.
LB 952	Friday, February 13, 1976	1:30 p.m.
LB 961	Friday, February 13, 1976	1:30 p.m.
LB 624	Thursday, February 19, 1976	1:30 p.m.
LB 658	Thursday, February 19, 1976	1:30 p.m.
LB 700	Thursday, February 19, 1976	1:30 p.m.
LB 872	Thursday, February 19, 1976	1:30 p.m.
LB 875	Thursday, February 19, 1976	1:30 p.m.
LB 876	Thursday, February 19, 1976	1:30 p.m.
LB 701	Friday, February 20, 1976	1:30 p.m.
LB 882	Friday, February 20, 1976	1:30 p.m.
LB 922	Friday, February 20, 1976	1:30 p.m.
LB 931	Friday, February 20, 1976	1:30 p.m.
LB 966	Friday, February 20, 1976	1:30 p.m.

(Signed) Gary L. Anderson, Chairman

Agriculture and Environment

LB 800	Thursday, February 12, 1976	East Senate Lounge	1:30 P.M.
LB 933	Thursday, February 12, 1976	East Senate Lounge	1:30 P.M.
LB 929	Thursday, February 19, 1976	East Senate Lounge	1:30 P.M.

(Signed) Loran Schmit, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 202A. By Speaker Burbach, 19th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 202, Eighty-fourth Legislature, First Session, 1975.

SELECT FILE

LEGISLATIVE BILL 544. Mr. Schmit renewed his pending amendment found in the Journal on page 399 for the Fifteenth Day.

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 180A. Mr. Dickinson offered the following amendment:

AMENDMENT TO LB 180A

1. In the Burbach amendment, p. 229 of the Journal, line 3 strike "General Fund" and insert "Nebraska Resources Development Fund".

The amendment lost with 13 ayes, 19 nays and 17 not voting.

Advanced to E & R for Engrossment with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 202. E & R amendments found in the Journal on page 362 for the Fourteenth Day were adopted.

Mr. Warner renewed his pending amendment found in the Journal on page 304 and requested a division of the question.

The first part of the amendment through "Assessment" on line 6, was adopted with 28 ayes, 0 nays and 21 not voting.

The remaining portion of the Warner amendment was adopted with 27 ayes, 12 nays and 10 not voting.

Mr. Stull moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 382. E & R amendments found in the Journal on page 379 for the Fifteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 502. E & R amendments found in the Journal on page 380 for the Fifteenth Day were adopted.

Mr. Barnett offered the following amendment:

AMENDMENT TO LB 502, AS AMENDED BY THE BARNETT
AMENDMENT ADOPTED JANUARY 16, 1976

1. Insert a new section as follows:
"Sec. 2. It is not the intent of this act to require that escrow accounts be required or established.".
2. Renumber original section 2 as section 3.

The amendment was adopted with 25 ayes, 1 nay and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 310. E & R amendment found in the Journal on page 380 for the Fifteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 445. E & R amendments found in the Journal on page 380 for the Fifteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 713. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 635. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 641. E & R amendments found in the Journal on page 380 for the Fifteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 266. E & R amendments found in the Journal on page 381 for the Fifteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 499. E & R amendments found in the Journal on page 381 for the Fifteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 454. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 514. E & R amendments found in the Journal on page 381 for the Fifteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 177. E & R amendments found in the Journal on page 382 for the Fifteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 30A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 651. E & R amendment found in the Journal on page 382 for the Fifteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 640. E & R amendment found in the Journal on page 382 for the Fifteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 561. E & R amendments found in the Journal on page 377 for the Fifteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 441. E & R amendment found in the Journal on page 379 for the Fifteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 460. E & R amendments found in the Journal on page 409 for the Fifteenth Day were adopted.

Advanced to E & R for Engrossment.

ATTORNEY GENERAL'S OPINION

Opinion No. 166
January 26, 1976

Re: Request for Opinion on Constitutionality of
LB 741 and a Proposed Amendment to LB 65

Dear Senator Lewis:

You have asked whether LB 741 or your proposed amendment to LB 65 present any constitutional problems.

Your proposed amendment to LB 65 gives the Board of Examiners of Psychologists authority to contract with other state agencies and increases the maximum fee the Board of Examiners of Psychologists may charge for licensing. It also expands the definition of "unprofessional conduct" as a ground for revoking or suspending a license to include additional specified acts. We find no constitutional problems with this amendment.

LB 741, on the other hand, purports to give the Board of Examiners of Psychologists authority to set the standards for determining whether an applicant qualifies for certification as a clinical psychologist. The Board is then to determine whether an applicant meets such standards by a review of his or her credentials or by an examination. There are problems with vagueness, with improper delegation of legislative power, and with the grandfather clause.

Both "clinical psychology" and "clinical psychologist" should be defined. This is necessary both to justify such special certification for protection of the public and to enforce sanctions against those who practice it without certification.

It is fundamental that the Legislature may not delegate legislative power to an administrative agency without standards to guide it. Many of the standards for certification as a clinical psychologist are set out in sections 2, 3 and 4. Authority should not also be given to the Board of Examiners of Psychologists to set them as it is in section 1. The qualifying phrase "satisfactory to the Board" should be deleted in sections 2, 3 and 5 as there are no guidelines for exercising such judgment.

The Legislature may exempt persons from the requirements of a professional registration statute who have been engaged in the lawful practice of a profession in the state before its passage. State ex rel. Meyer v. Knutson, 178 Neb. 375, 133 N.W.2d 577 (1965). Thus psychologists licensed in Nebraska on the effective date of this act can be permitted to continue to practice clinical psychology without certification or they can be certified on the assumption they are qualified by experience. But to permit any psychologist licensed after the effective date of the act to perform clinical psychology functions without certification is to raise a question as to whether such certification is really required to protect the public, the only justification for such certification.

In summary, we find no constitutional problems in your proposed amendment to LB 65. We do find constitutional problems in LB 741 because of vagueness, improper delegation of legislative power, and exemptions which will defeat the public protecting purpose of such legislation.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

REFERENCE COMMITTEE REPORT

Mr. President:

The Legislative Council Executive Board respectfully requests that Legislative Bills No. 974 through 985 be referred to standing committees as per the attached listing. (Signed) Eugene T. Mahoney, Chairman; Wally Barnett, Vice-Chairman; John S. Savage; J. W. Burbach; Dennis Rasmussen; R. D. Kelly; John Cavanaugh; Loran Schmit.

This listing includes LB 971A.

LB	Committee	LB	Committee
971A	General File	980	Appropriations
974	Pub.Hlth. & Wel.	981	Bkg. Comm. & Ins.
975	Appropriations	982	Gov. Mil. & Vets. Affrs.
976	Appropriations	983	Education
977	Appropriations	984	Appropriations
978	Pub. Hlth. & Wel.	985	Appropriations
979	Appropriations		

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 923 Tuesday, February 3, 1976 (cancelled) 1:30 p.m.
LB 923 Tuesday, February 10, 1976 (reset) 1:30 p.m.

(Signed) Calvin F. Carsten, Chairman

Public Health and Welfare

LB 973 Monday, February 23, 1976, Room 2414 1:30 p.m.

(Signed) Thomas C. Kennedy, Chairman

Constitutional Revision and Recreation

LB 941	Thursday, February 19, 1976	1:30 p.m.
LB 962	Thursday, February 19, 1976	1:30 p.m.
LB 861	Friday, February 20, 1976	1:30 p.m.
LB 937	Friday, February 20, 1976	1:30 p.m.

(Signed) George Syas, Chairman

Committee on Committees

January 28, 1976

The Committee on Committees will meet at 12:00, Noon, Wednesday, February 11, 1976, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

John W. Cattle
Advisory Committee to Dept. of Economic Development

W. W. Cook
Advisory Committee to Dept. of Economic Development

Ed Loutzenheiser
Advisory Committee to Dept. of Economic Development

William A. Spitzenberger
Advisory Committee to Dept. of Economic Development

Marshall M. Tate
Board of Parole

(Signed) John S. Savage, Chairman

January 28, 1976

The Committee on Committees will meet at 12:00, Noon, Wednesday, February 18, 1976, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Mrs. Betty Abbott
Environmental Control Council

Robert Cox
Environmental Control Council

Dale Sampson
Environmental Control Council

Leonard J. Schaefer
Environmental Control Council

Mrs. Margaret Sutherland
Environmental Control Council

Martin Dineen
State Fire Marshal

(Signed) John S. Savage, Chairman

January 28, 1976

The Committee on Committees will meet at 12:00, Noon, Wednesday, February 25, 1976, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Mrs. Marian Andersen
Nebraska Arts Council

Loren Olsson
Nebraska Arts Council

Jack Thompson
Nebraska Arts Council

Wallace Richardson
Nebraska Arts Council

Lowell W. Fisk
Public Employees Retirement Board

Richard Weber
Public Employees Retirement Board

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Stull asked unanimous consent to print the following amendments to LB 431 in the Journal. No objections. So ordered.

Amendment to LB 431

1. Strike original sections 1 and 2 and all amendments thereto and insert:

"Section 1. All persons who shall be engaged in the business of pawnbrokers or chattel loan brokers shall in addition to the requirements of section 69-204, Reissue Revised Statutes of Nebraska, 1943, obtain and keep a color photograph of each person pawning, pledging, mortgaging, or selling any goods or articles which photograph shall be at all reasonable times open to the inspection of the mayor, any member of the police department, or any officer of the law.

Sec. 2. If a pawnbroker, agent, or dealer is found to have stolen personal property in his possession, after inspection by police, such property shall be returned to the lawful owner thereof. No charges or fees shall be assessed against the owner for the return of the property.".

2. In the title strike lines 2 to 6 and insert:

"FOR AN ACT relating to pawnbrokers; to require that a color photograph be kept of persons pawning, pledging, mortgaging, or selling goods or articles; and to provide for the return of stolen property to the owner.".

Mr. Warner asked unanimous consent to print the following amendments to LB 579 in the Journal. No objections. So ordered.

Amendment to LB 579

(1) On page 2, line 2, after desireable, insert "Long range"; and strike lines 23 through 27 and insert a new section as follows:

"(2) The Legislature recognizes that long range goals must include short and intermediate range goals as a step by step means for achievement within some timeframe.

The Legislature determines and declares that the creation of a state coordinating agency would best accomplish the first step in the pursuit of the long range goals stated. The initial charge of the agency shall be limited to the powers and duties as stated in Section 10."

(2) On page 3, strike line 1; on line 5, strike "fifteen" and insert "twelve"; on line 7, strike "nine" and insert "six" and insert after members ", Two from each congressional district,"; and on lines 10, 11, and 12 strike "three" and insert "two".

(3) On page 6, line 16, strike, "budget analysis"; on line 17, strike, "and education-government relations"; and strike lines 24 through 27 and add a new section as follows:

"(2) Request from any department, division, board, bureau, commission, or agency of the state such assistance and data as will enable it to properly carry out its powers and duties;"

(4) On page 7, strike lines 1 through 4; on line 7, strike ", including, but not limited to, committees: and insert ";"; strike lines 8 and 9, strike lines 10 through 14; on line 23, strike "act" and insert "section"; and strike lines 25 through 27 and insert a new section as follows:

"(2) To develop and implement a statewide information system for education in this state. The commission shall establish uniform data definition and collection techniques to insure comparability among Nebraska educational institutions and agencies. In so doing, recognition shall be given national developments in data definition and collection so inter-state comparisons may be fostered. The information system shall include: (a) demographic characteristics of students and faculty, (b) an inventory of curriculum and degree offerings, and descriptive characteristics and historic fiscal data for on and off-campus instruction, extension, adult and continuing education, research and public service, and (c) an inventory of and utilization data for the physical facilities on each campus;"

(5) on page 8, strike lines 1 through 3; after line 3, insert a new section as follows:

"(3) to facilitate communication and coordination for the mutual exchange of ideas and information between educational institutions in such areas as:

(a) the sharing of resources, expertise, and facilities among institutions or agencies,

(b) the establishing of plans, practices, procedures, and policies on matters which affect more than one institution or agency, specifically to address the issue of transferability of credit;";
on line 4, strike "(3)" and insert "(4)"; on line 7, strike "act" and insert "section"; on line 8, strike "(4)" and insert "(5)"; on line 15, after agency, insert "such loans and grants shall not be expended unless approved and appropriated by the Legislature;" on line 16, strike "(5)" and insert "(6)"; strike lines 19 through 27 and insert four new sections as follows:

(7) Effective January 1, 1977, to undertake the task of running the Enrollment Projection Model developed by the Higher Education Facilities Commission. Duties shall include the collection of the input data, operation of the model and a report of the findings;

(8) To make recommendations (a) to the post-secondary education institutions of this state concerning methods which may benefit the services they provide to include the following short range goal: To identify those areas of responsibility pertaining to the private and proprietary institutions as services they should provide and not to be duplicated by public institutions; (b) to the Governor and the Legislature concerning legislation which may be beneficial to the post-secondary education services in this state and which would effect the purpose of this act; and

(9) To establish close liaison with the State Board of Education and the State Department of Education in recognition of the need for close coordination of activities between elementary-secondary education and post-secondary education. The coordination effort shall include the following short-range goals:

(a) The ultimate removal of remedial courses at the post-secondary education level.

(b) The clear identification of adult and continuing education responsibilities between the elementary-secondary education level and post-secondary education level to prevent duplication of effort."

(6) On page 9, strike line 1 through 23.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 265, 348, 383, 425, 545, and 584.

(Signed) Donald N. Dworak, Chairman

NOTICE OF COMMITTEE HEARING
Appropriations

LB 829	Wednesday, February 4, 1976 (Cancel)	1:30 p.m.
LB 829	Tuesday, February 3, 1976 (Reset)	1:30 p.m.

(Signed) Richard D. Marvel, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 432. Replaced on Select File as amended.
E & R amendments to LB 432:

1. Renumber sections 3 to 5 as sections 2 to 4.
2. Insert the new sentence added by the Chambers amendment as section 2, subsection (1).
3. In the title as amended, strike beginning with the second "to" in line 3 through the semicolon in line 5.

LEGISLATIVE BILL 622. Replaced on Select File as amended.
E & R amendment to LB 622:

1. In the title, line 2, insert "64-101," after "sections"; and in line 6 insert "to reduce the minimum age for notaries;" after the semicolon.

LEGISLATIVE BILL 574. Replaced on Select File as amended.
E & R amendment to LB 574:

1. In line 1 of the E & R amendments adopted 1/27, insert "first and third unnumbered" after "the".

LEGISLATIVE BILL 91. Placed on Select File as amended.
E & R amendments to LB 91:

1. On page 2, line 26, strike "State".
2. In the Bereuter amendments, page 1, line 6, insert "the" after "and".
3. On page 4, line 23, strike "less" and insert "fewer".

4. On page 5, line 1, strike ";" and insert ", with"; in lines 8 and 9, strike "Department of Health"; in line 12 strike "by" and insert a comma; in line 13 strike ", it"; and in line 19 strike "such" and insert "an".

5. On page 6, line 6, insert a comma after "department"; and in line 27 insert "resolution," after "county" and insert ", or regulation" after "ordinance".

6. On page 8, line 3, strike "mobile home parks"; and in line 7 insert "for mobile home parks" after "conditions"; and in line 26 strike the comma.

7. On page 9, lines 17 and 20, insert ", village," after "city"; and in line 25 strike the comma.

8. On page 10, line 11, strike "said" and insert "such".

9. On page 13, line 7, strike "or" and insert "of".

10. On page 13, line 21, insert a comma after "presented".

11. On page 14, line 20, strike "of the state".

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Member Excused

Mrs. Marsh asked unanimous consent to be excused on Monday, February 2, 1976. No objections. So ordered.

ADJOURNMENT

At 11:50 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, January 29, 1976.

Vincent D. Brown
Clerk of the Legislature

SEVENTEENTH DAY—JANUARY 29, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 29, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord, God of our Fathers, we beg Your blessing on these Your children, who bear a special burden in our society toward their brothers. Grant to them, O God, wisdom to discern clearly those paths that will preserve and strengthen the bonds of brotherhood and the dignity of human persons. Grant to them integrity that the principle upon which our society has been mounted may be nurtured. Grant to them fortitude that they may not be swayed by personal convenience or expediency in fulfilling the trust given them by their brothers under the Fatherhood of God.
>
> We ask You for this blessing, O God, that these, Thy servants, may be worthy instruments of Your divine plan. Amen.

ROLL CALL

The roll was called and all members were present except Speaker Burbach who was excused until he arrives

CORRECTIONS FOR THE JOURNAL

Page 423, line 21, delete "bracket" and insert "lay over".
The Journal for the Sixteenth Day was approved as corrected.

COMMITTEE STATEMENT ON LR 106

The introducer's Statement of Intent will constitute the committee statement.

"It is the introducer's intent in presenting this resolution to:

"1) petition Congress to draft and present to the people a constitutional amendment that will require that the federal budget be balanced each year except in the case of a national emergency occurring.

"2) and in the alternative, to request the other states to join with Nebraska in requesting that a national constitutional convention be called for this specific purpose."

A motion was made by Senator Swigart and seconded by Senator Dworak to advance LR 106 to General File. Motion passed: 5 ayes, 1 nay, 0 not voting and 1 absent and not voting. Voting aye were Senators Carsten, Cope, Dworak, Fitzgerald and Swigart. Voting nay was Senator Syas. Absent and not voting was Senator Keyes.

Appearing for LR 106 were the Introducer, Senator J. R. Murphy; Paul J. Amen, Lincoln; Walter S. Henrion, Lincoln; Vance D. Rogers, Lincoln; Walter E. Nolte; Bob Crosby, Lincoln; Calvin W. Wheeler, Mutual of Omaha, Omaha; and John Kennedy, Central States Insurance Company, Omaha.

Appearing in opposition to LR 106 was Lynn Hoback, Avoca.

(Signed) George Syas, Chairman
Constitutional Revision and
Recreation Committee

1-26-76

COMMUNICATIONS

Acknowledged receipt of Resolution from the Thurston County Clerk in regard to LR 44. Copy on file in the Clerk's Office.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 502. Replaced on Select File as amended.
E & R amendment to LB 502:

1. In the Barnett amendments adopted 1/16/76, page 2, line 18, strike "shall".

LEGISLATIVE BILL 445. Replaced on Select File as amended.
E & R amendment to LB 445:

1. Renumber original section 3 as section 2.

LEGISLATIVE BILL 177. Replaced on Select File as amended.
E & R amendment to LB 177:

1. In the title, line 2, strike "and".

LEGISLATIVE BILL 120. Placed on Select File as amended.
E & R amendments to LB 120:

1. Because of Laws 1975, LB 323, section 1, strike original section 1 and the Koch amendment 1.

2. The section proposed to be amended having been repealed, strike original section 2 and the Koch amendment 2.

3. Renumber original section 3 as section 1.

4. In the Koch amendments, page 1, line 12, insert "and 1978" after "1976"; and in line 13, insert "and 1982, respectively" after "1980".

5. Insert a new section to read:

"Sec. 2. That section 19-621, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-621. Regular municipal elections shall be held in conjunction with the statewide primary in ~~May of~~ every even-numbered year, or on the first Tuesday of April of every even-numbered year. The choice of time for holding the election shall be made by the governing body of the city or village in accordance with the provisions of section 32-4,147.".

6. Renumber original sections 4 and 5 as sections 3 and 4.

7. On page 5, lines 1 and 2, strike "Revised Statutes Supplement, 1974" and insert "Reissue Revised Statutes of Nebraska, 1943".

8. On page 7, line 15, insert "that commencing" after "except" and strike ", when".

9. On page 9, line 20, strike "primary" and insert "~~primary~~ election"; and in line 24 insert an underscored comma after "election".

10. The section proposed to be amended having been repealed, strike original section 6.

11. Renumber original section 7 as section 5, original sections 9 to 13 as sections 6 to 10, section 14 added by the Koch amendments as section 11, and original section 14 as section 12.

12. On page 19, line 21, strike "17-107.01,"; in line 22 insert "19-621, 23-343.25," after the first comma and strike "32-504.02," and in line 24 strike "16-302.01, 23-343.25,".

13. In the title, line 2, strike "17-107.01," and at the end of the line insert "19-621, 23-343.25,"; in line 3 strike "32-504.02," and "32-506,"; in lines 5 and 6 strike "16-302.01, 23-343.25,"; in line 10 insert "to provide an operative date; and" after the semicolon; and strike beginning with the semicolon in line 12 through line 13 and insert a period.

LEGISLATIVE BILL 585. Placed on Select File as amended. E & R amendments to LB 585:

1. In new section 4, line 9, strike "those" and insert "such"; and in line 10 strike "mentioned above".
2. On page 7, line 10, strike "those" and insert "such"; and in line 11 strike "mentioned above".
3. On page 9, lines 13 and 18, strike "those" and insert "such".
4. On page 10, line 1, insert an underscored comma after "paid"; and in line 23 strike the comma.
5. In committee amendment 3, line 2, strike the comma; and in line 6 insert "the second" after "strike".
6. On page 12, line 11, insert an underscored comma after "section".
7. On page 13, line 8, insert an underscored comma between "and" and "as"; and in line 10, strike "in" and insert an underscored comma.
8. In new section 15, subsection (5), line 6, strike "either"; and in line 7 insert "either" after "(b)".
9. In committee amendment 7, line 2, strike ", or" and insert "or,".
10. On page 22, line 17, insert "of" after "occur"; and in line 26 strike "upon".
11. On page 23, line 2, strike "upon".
12. In lieu of the Luedtke amendment thereto, in new section 24, lines 7 and 8, strike "real estate interest" and insert "interest in Nebraska real estate".
13. In the title, line 2, strike "77-2004,"; in line 4 strike "77-2018.01, 77-2018.02,"; at the end of line 5 insert "77-2101.01,"; in line 7 strike the first "and"; and at the end of line 8 insert "and sections 77-2004 and 77-2018.02, Revised Statutes Supplement, 1975,".

Correctly Enrolled

The following bills were correctly enrolled: 329, 386, 485, 487, 569, and 586.

(Signed) Donald N. Dworak, Chairman

NOTICE OF COMMITTEE HEARING
Labor

LB 970 Wednesday, February 25, 1976, Supreme Ct. Hrg. Rm.1:30 p.m.

(Signed) Richard Maresh, Chairman

MR. SIMPSON PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 175. With Emergency.

A BILL FOR AN ACT relating to cities of the primary class; to provide for supplemental pension payments for firemen and policemen; to amend section 15-1001.01, Revised Statutes Supplement, 1975; to change interest provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Barnett
Bereuter
Burrows
Carsten
Chambers
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Luedtke
Maresh
Mills
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 11:

Anderson
Burbach
Cavanaugh
Clark
Kelly
F. Lewis
Mahoney
Marsh
Marvel
Moylan
Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 7. Mr. Simpson moved to withdraw LB 7.

Motion pending.

LEGISLATIVE BILL 412. Mr. DeCamp renewed his pending amendment found in the Journal on page 254 for the Eighth Day.

The amendment lost with 10 ayes, 18 nays and 21 not voting.

Mr. Cavanaugh moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 413. Mr. DeCamp renewed his pending amendment found in the Journal on page 255 for the Eighth Day.

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Anderson renewed his pending amendment found in the Journal on page 384 for the Fifteenth Day.

The amendment was adopted with 36 ayes, 0 nays and 13 not voting.

Mr. Cavanaugh offered the following amendment:
Line 26 strike "and cost shall,"
Strike Line 27
Page 3 strike Line 1

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Engrossment with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 248. Mr. Cavanaugh renewed his pending amendment found in the Journal on page 423 for the Sixteenth Day to the Bereuter amendment found in the Journal on page 317 for the Eleventh Day.

The amendment was adopted with 31 ayes, 9 nays and 9 not voting.

The Bereuter amendment, as amended, lost with 14 ayes, 16 nays and 19 not voting.

Mr. F. Lewis asked unanimous consent to withdraw his pending amendment found in the Journal on page 423 for the Sixteenth Day. No objections. So ordered.

Mr. Cavanaugh offered the following amendment:
To Amend LB 248
Pg 6 Line 22 strike "no" and add "an"

Line 23 strike "shall" add "may"
Line 26 strike "different" add
"Make stringent"

Mr. Murphy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays and 17 not voting.

The Cavanaugh amendment lost with 16 ayes, 25 nays and 8 not voting.

Mr. Murphy asked unanimous consent to be excused at 10:30 a.m. for the remainder of the day. No objections. So ordered.

Mr. F. Lewis re-offered his amendment found in the Journal on page 423 for the Sixteenth Day. The amendment lost with 11 ayes, 22 nays and 16 not voting.

Mr. Cavanaugh offered the following amendment:
Strike Sec 11 of the Barnett amendment.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 10 nays and 23 not voting.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 18 ayes, 8 nays and 23 not voting.

Mr. Cavanaugh requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Anderson Bereuter Burrows Carsten Cavanaugh
Clark Duis Fitzgerald Fowler Goodrich
F. Lewis Mahoney Maresh Marvel Mills
Moylan Rumery Savage Skarda Swigart
Syas Warner

Voting in the negative, 15:

Barnett Cope Dickinson Dworak George
Hasebroock Kennedy Kime Koch Kremer
R. Lewis Luedtke Marsh Rasmussen Stoney

Not voting, 12:

Burbach Chambers DeCamp Johnson Kelly
Keyes Murphy Nichol Schmit Simpson
Stull Wiltse

The amendment lost with 22 ayes, 15 nays and 12 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

Mr. F. Lewis offered the following amendment:
On page 2, line 21 after "." insert Manufactured house unit as defined in this section shall be taxed as real estate.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 20 ayes, 4 nays and 25 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

The F. Lewis amendment was adopted with 26 ayes, 9 nays and 14 not voting.

LB 248 passed over temporarily.

ATTORNEY GENERAL'S OPINION

Opinion No. 167
January 28, 1976

Dear Senator Luedtke:

In your letter of January 15, 1976, you ask whether the Legislature can amend sec. 24-729, R.S. Supp., 1974, to permit the Supreme Court to assign retired county judges to sit in any county court in order to fill a vacancy in such court caused by a judge who is incapacitated or absent for any reason. While the subject is not free from some doubt, it is our conclusion that a constitutional amendment is not required.

We start with the general principle that Constitutions are not a grant of power to the Legislature, but a limitation upon its power. In other words, the Legislature has the power to do anything it wishes, except as limited by the state or federal Constitutions. We therefore look to see whether anything in the Constitution would prevent the Legislature from empowering the Supreme Court to temporarily invest retired county judges with judicial power.

Section 24-729 now authorizes the Supreme Court to assign judicial duties to retired Supreme Court and district court judges. This procedure with respect to retired Supreme Court and district court judges is authorized by Article V, sections 2 and 12 of the Nebraska Constitution. It can be argued with some force that the fact that it was felt necessary to have specific constitutional authorization for such a procedure with respect to such retired judges implies a lack of authority for such legislation in the absence of constitutional authorization. It can be argued that the principle of inclusio unius est exclusio alterius is applicable, and that when the Constitution specifically authorizes this procedure for retired Supreme Court and district court judges, it impliedly intends to exclude all other types of retired judges. However, we believe that a rational distinction can be drawn between county judges and Supreme Court and district judges.

The appointment and tenure of Supreme Court judges and district judges is governed in large part by the so-called merit plan outlined in Article V, Section 21 of the Nebraska Constitution. It can therefore be argued that the Legislature cannot authorize anyone to exercise judicial powers in the Supreme Court or the district court except as provided in that section. It could therefore be argued that when a judge retires he loses all of his judicial powers, and could not be reinvested with them without specific constitutional authorization.

The same argument is not true with respect to county judges. Article V, Section 1 of the Constitution provides for county courts, but the Constitution leaves the method of selection of the county judges in the hands of the Legislature. The Legislature has specified the method of selection of county judges in Chapter 24, Article 5 of the statutes. If the Legislature wishes to provide that former county judges shall retain a residue of judicial power, which may be exercised when authorized by the Supreme Court, we believe it is within the power of the Legislature to do so. We therefore conclude that a constitutional amendment is probably not necessary.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smh
cc: Mr. Vincent Brown
Clerk of the Legislature

EXPLANATION OF VOTE

Had I been present I would have voted aye on LB 175 on Final Reading.

(Signed) Shirley Marsh

REFERENCE COMMITTEE REPORT

LB	**Committee**
LR 115	Appropriation

(Signed) Eugene T. Mahoney, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 687A. By Clark, 47th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 687, Eighty-fourth Legislature, Second Session, 1976.

NOTICE OF COMMITTEE HEARING

Judiciary

LB 623	Tuesday, February 10, 1976 (Cont'd)	1:30 p.m.
LB 706	Tuesday, February 10, 1976 (Cont'd)	1:30 p.m.
LB 707	Tuesday, February 10, 1976 (Cont'd)	1:30 p.m.

(Signed) Roland A. Luedtke, Chairman

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 373. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

Agriculture and Environment

LEGISLATIVE BILL 642. Placed on General File as amended.
Standing Committee amendment to LB 642:

1. On page 9, line 4 strike "the"; and in line 5 strike "delivery of any grain if no".

LEGISLATIVE BILL 647. Placed on General File.

LEGISLATIVE BILL 715. Placed on General File as amended.
Standing Committee amendments to LB 715:

1. On page 2, line 5 after the period strike "No" and show as stricken; strike lines 6 through 27, showing the old matter as stricken and insert the following:

"No director of any natural resources district shall be directly employed by such district, and, except as is hereinafter provided, no director shall be pecuniarily interested in or receive the benefit, directly or indirectly, of any contracts to which the district, or anyone for its benefit, is a party, when the consideration of such contracts is in an amount in excess offive thousand dollars, in the aggregate, in any one year. No contract may be divided for the purpose of evading the requirements of this section. No director and no firm or corporation with which such director is an agent, official, or employee shall receive any consideration other than that provided by section 2-3219, for any article, service, public improvement, material, or labor furnished such district in the absence of a contract therefore and to which the district is a party. All contracts, agreements, or other transactions in violation of the limitations above set forth shall be wholly void as an obligation against the district; Provided, that (1) nothing in this section shall prohibit or limit any financial institution from receiving deposits, cashing checks, buying or selling warrants or bonds of indebtedness, or performing any function in a fiduciary capacity for any natural resources district, and no contract shall be required by this section prior to the rendering of any such services, (2) the ownership of less than one per cent of the outstanding stock of any class in a corporation shall not constitute an interest, direct or indirect, within the meaning of this section, and (3) nothing in this section shall prohibit a natural resources district director from acting as a participant in any of the conservation or other general district programs which are available for like participation to other residents and land owners of the district, or from granting, selling, or otherwise transferring to such district any interest in real property necessary for the exercise of its powers and authorities if the cost of acquisition therefore is equal to or less than that established by a board of three real estate appraisers qualified in accordance with sections 81-8,276 and 81-8,287, or by an court of competent jurisdiction in an eminent domain proceeding.

No director shall participate in any action of the board concerning any matter in which such director has a direct or indirect interest, even if approval thereof is authorized by this section.

District payments to a director of the fair market value for real property owned by him and needed for district projects, or for cost-sharing for conservation work on such director's land or land in which a director may have an interest, shall not be deemed to be limited in amount or prohibited by this section.".

2. On page 3 strike lines 1 and 2; after line 4 insert a new section as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. In the title strike lines 4 through 6 and insert "resources; to specify which types of activities a director may have a pecuniary interest in; to provide exceptions; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 721. Placed on General File as amended. Standing Committee amendment to LB 721:

1. On page 8, line 20 strike "and", and after "S" insert ", and T".

LEGISLATIVE BILL 722. Placed on General File as amended. Standing Committee amendments to LB 722:

1. On page 9 after line 3 insert a new section as follows:

"Sec. 3. That section 81-2,174, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,174. Upon issuing a certificate to a beekeeper after an inspection as provided in sections 81-2,172, 81-2,173 and 81-2,175, the Department of Agriculture shall collect therefor a certificate fee, which fee shall consist of the fixed amount of ~~one dollar~~ three dollars and the actual expenses of the inspector, provided that the payment of expenses shall not be required when the inspection is made in the course of the regular annual inspection. All fees shall be deposited in the state treasury and by the State Treasurer credited to the General Fund."; line 3 strike "and" and insert ","; line 4 after "81-2,171," insert "and 81-2,174,".

2. Renumber original sections 3 and 4 as sections 4 and 5 respectively.

3. In the title, line 2 strike "and" and insert "," and after "81-2,171," insert "and 81-2,174,"; in line 6 after ";" insert "to eliminate entrance fees and change certificate fees;".

LEGISLATIVE BILL 681. Indefinitely postponed.

(Signed) Loran Schmit, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 460. Replaced on Select File as amended.
E & R amendment to LB 460:

1. In section 8, line 7, strike "land" and insert "landing"; and in line 19 insert "Nebraska" after the first "the".

LEGISLATIVE BILL 536. Replaced on Select File as amended.
E & R amendment to LB 536:

1. In the title, line 4, strike "livestock" and insert "cattle, hogs, and sheep".

LEGISLATIVE BILL 266. Replaced on Select File as amended.
E & R amendments to LB 266:

1. In section 2, line 3, strike the comma and insert "who".
2. In the Marsh amendment 2, strike line 4 and insert " 'subsequent' ".

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 692. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

Education

LEGISLATIVE BILL 673. Placed on General File as amended.
Standing Committee amendments to LB 673:

1. On page 2, line 4 after "79-1279." insert "(1)"; after line 8, insert the following:

"(2) When it appears to the commissioner of Education that the interest of the Reserve Teacher would be served thereby, payment of salary may be made directly to the teacher or to a relative or some other person for the benefit of the teacher regardless of any legal disability on the part of such teacher.".

(Signed) F. Lewis, Chairman

NOTICE OF COMMITTEE HEARING

Appropriations

LB 975	Thursday, February 5, 1976	1:30 p.m.
LB 976	Thursday, February 5, 1976	1:30 p.m.
LB 977	Thursday, February 5, 1976	1:30 p.m.
LB 985	Thursday, February 5, 1976	1:30 p.m.
LB 975	Monday, February 9, 1976 (Continued)	1:30 p.m.
LB 976	Monday, February 9, 1976 (Continued)	1:30 p.m.

(Signed) Richard D. Marvel, Chairman

SELECT FILE

LEGISLATIVE BILL 248. Mr. Cavanaugh offered the following amendment:

Amend Barnett amendment sec. 11 to add: "No law relating to conflicts of interest shall apply to this Board."

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 11:

Bereuter, Burrows, Cavanaugh, Fitzgerald, Fowler
Goodrich, F. Lewis, Moylan, Savage, Skarda
Syas

Voting in the negative, 19:

Barnett, Clark, Cope, DeCamp, Dickinson
George, Hasebroock, Kennedy, Keyes, Luedtke
Marsh, Mills, Rasmussen, Rumery, Stoney
Stull, Swigart, Warner, Wiltse

Not voting, 19:

Anderson, Burbach, Carsten, Chambers, Duis
Dworak, Johnson, Kelly, Kime, Koch
Kremer, R. Lewis, Mahoney, Maresh, Marvel
Murphy, Nichol, Schmit, Simpson

The amendment lost with 11 ayes, 19 nays and 19 not voting.

Mr. Keyes offered the following amendment:

In Sec. 12, line 27, after "with" insert:

The department is further empowered to inspect such housing units in order to ascertain whether the requirements of the local enforcement agency of the destination have been complied with. The department shall certify to the local enforcement agency that the housing unit meets the standards of the agency. Such certification shall relieve the local enforcement agency of the duty to inspect the unit at the factory site.

The amendment lost with 6 ayes, 9 nays and 34 not voting.

Mr. F. Lewis moved to indefinitely postpone. Motion pending.

LEGISLATIVE BILL 477. E & R amendment found in the Journal on page 414 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 339. E & R amendment found in the Journal on page 414 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 432. E & R amendments found in the Journal on page 435 for the Sixteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 622. E & R amendment found in the Journal on page 435 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 574. E & R amendment found in the Journal on page 435 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 91. E & R amendments found in the Journal on page 435 for the Sixteenth Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Unbracket LB 431

Mr. Chambers asked unanimous consent to unbracket LB 431 on Select File.

Mr. Goodrich objected.

Mr. Chambers moved to unbracket LB 431. The motion prevailed with 26 ayes, 1 nay and 22 not voting.

UNANIMOUS CONSENT—Members Excused

Mr. Stull asked unanimous consent to be excused Friday, January 30, 1976. No objections. So ordered.

Mr. Marvel asked unanimous consent to be excused at 11:35 a.m. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 30A, 180A, 310, 454, 635, 641, 651 and 713.

The following bill was correctly enrolled: 175.

(Signed) Donald N. Dworak, Chairman

MOTION—Introduce Bill

Mr. Savage moved the introduction of a new bill by the Executive Board. (Req. No. 1468)

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 986. By Executive Board: Mahoney, 5th District, Chairman; R. D. Kelly, 35th District; Barnett, 26th District; Savage, 10th District; Schmit, 23rd District; R. Lewis, 38th District; Marvel, 33rd District; Rasmussen, 41st District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 81-1108.21, Revised Statutes Supplement, 1974, relating to the capitol building; to provide for the assignment and reassignment of space; and to repeal the original section.

REFERENCE COMMITTEE REPORT

LB	Committee
986	Misc. Subjects

(Signed) Eugene T. Mahoney, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Stull asked unanimous consent to print the following amendment to LB 853 in the Journal. No objections. So ordered.

AMENDMENT TO LB 853

1. On page 2 insert a new section 2 to read as follows:

"Sec. 2. That section 79-1254.02, Revised Statutes Supplement, 1975, be amended to read as follows:

79-1254.02. The contracts of the teaching staff employed by the governing board of any state technical community college, educational service unit, or any educational program administered by the State Department of Education, the Department of Public Institutions, or any political subdivision of the state, except a Class I, II, III, or VI school district and those colleges governed by the Board of Trustees of the Nebraska State Colleges, shall require the sanction of a majority of the members of such governing board. Each such contract shall be deemed renewed and in force and effect until a majority of the board votes, sixty days before the close of the contract period, to amend or terminate the contract for just cause. The secretary of the board shall notify each teacher in writing at least ninety days before the close of the contract period of any conditions of unsatisfactory performance or a reduction in teaching staff that the board considers may be just cause to either amend or terminate the contract for the ensuing year. Any teahcer so notified shall have the right to file within five days of receipt of such notice a written request with the board for a hearing before the board. Upon receipt of such request, the board shall order the hearing to be held within ten days, and shall give written notice of the time and place of the hearing to the teacher. At the hearing, evidence shall be presented in support of the reasons given for considering amendment or termination of the contract, and the teacher shall be permitted to produce evidence related thereto. The board shall render the decision to amend or terminate a contract based on the evidence produced at the hearing.".

2. On page 2, line 13 strike "is" and insert "and section 79-1254.02, Revised Statutes Supplement, 1975, are".

ANNOUNCEMENT

Mr. Clark announced an executive meeting of the Telecommunications Committee at 12 Noon in room 2102.

VISITORS

The Chair introduced Mr. Melvin Maxwell, Scotts Bluff County Clerk; Mr. Dave Schlene, Scotts Bluff County Sheriff and 47 "Cristie Heights Seniors" from Omaha. 35 Eleventh Grade Government students and instructor Dorothy Kuehn from Howells Public School.

ADJOURNMENT

At 11:56 a.m., on a motion by Mr. Carsten, the Legislature adjourned until 9:00 a.m., Friday, January 30, 1976.

Vincent D. Brown
Clerk of the Legislature

EIGHTEENTH DAY—JANUARY 30, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 30, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God our Father, we give Thee thanks for these representatives of the people. Grant that each may consider himself to be not only a respresentative of the people, but also of the higher better life of Thy Spirit of the upper house.
>
> Forgive O God our inadequate minds and our feeble hands as we seek to find answers for the ills around us. Forgive, O Lord, our dullness, our narrow-mindedness, our condemning in others what we fail to see in ourselves.
>
> Father of us all, in a world of borrowed ideas and ghost writers help us to give attention to the originality we possess and develop it. May we always say what we mean and mean what we say. May we acknowledge Thy power within us, power to bring peace out of war, life out of death.
>
> In the name of Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kremer and Stull who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventeenth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 175, 329, 386, 485, 487, 569, and 586.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of January 29, 1976. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Carlson, C Le Mont – Firth, Nebraska Lutheran Legislative Caucas
Epke, Walter H. – York, (withdrawn 1-27-76) Bancnorthwest, Nebraska Upland Game Association, Nebraska Wholesale Supplier Association, Sandhills Association for Preservation of Progressive Agriculture
Gunning, Fred – Northbrook, Ill. Dek-Electro Co.
Holman, Margaret M. – Lincoln, School District, City of Lincoln
Karst, Don – Alamogordo, New Mexico, Dek-Electro Co.
Knudsen, Berkheimer, Endacott & Beam:
  Ruth, Larry L. – Lincoln, National Confectioners Association
Robinson, C. N. Jr. – Blair, Westside Community Schools
Stromer, Gerald – Kearney, Association of Nebraska Schools
Tews and Noren:
  Noren, Charles F. – Lincoln, Our Homes

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 432. Replaced on Select File as amended.
E & R amendment to LB 432:

1. In section 1, line 6, strike "to 4" and insert "and 3".

LEGISLATIVE BILL 544. Replaced on Select File as amended.
E & R amendments to LB 544:

1. In new section 2, line 4, strike the comma; and in line 5 strike "following requirements:" and insert "requirements of sections 3 to 14 of this act.".
2. In the Schmit amendment 4, page 1, line 7, strike "(1)" and insert:
   "Sec. 3." and redesignate subdivisions (a) to (k) thereof as sections 4 to 14.
3. In new section 3, line 3, strike "following requirements:" and insert "requirements of sections 4 to 14 of this act."
4. In new section 5, line 11, strike "and".
5. In new section 7, line 6, strike "above" and insert "in section 5 of this act".
6. In new section 8, line 4, strike "; Provided," and insert ", except"; in line 5 insert "provision is made for"

after "wherein"; and in line 6 strike "is provided for".

7. In new section 9, line 11, strike the comma.

8. In new section 10, line 4, strike "the" and insert "any"; in lines 4 and 5 strike "; Provided, that" and insert "covering more than one plant, but"; and in line 5 strike "herein" and insert "in this section".

9. In new section 11, line 1, strike the second "with" and insert "written by".

10. In new section 13, insert an underscored comma at the end of line 4; and in lines 8, 10, and 11, strike "and".

11. In new section 14, line 2, strike "and"; and in line 4 strike "subdivision (j) above" and insert "section 13 of this act".

12. In the Schmit amendment 4, pages 3 and 4, redesignate subdivisions (2) to (5) as sections 15 to 18.

13. In new section 15, redesignate subdivisions (a) to (d) as subdivisions (1) to (4); in line 4 strike "; Provided," and insert ", except"; in line 6 strike the second comma; in lines 8 and 12 strike the comma and insert an underscored semicolon; in line 10 strike "(i), above," and insert "(1) of this section;"; and in line 15, strike "financial".

14. In new section 16, redesignate subdivisions (a) and (b) as subdivisions (1) and (2); in line 1, strike the colon; in line 5 strike "the registrant" and insert "he"; in line 10, strike "each" and insert "the"; in line 14 strike "herein" and insert "in this act"; and in lines 14 and 15 strike "the registrant" and insert "him".

15. In new section 17, redesignate subdivisions (a) to (c) as subdivisions (1) to (3); in lines 8 and 12, strike the comma and insert an underscored semicolon; in line 10 strike "subsection 2 above" and insert "section 15 of this act"; and in line 12 strike "subsection 3 above" and insert "section 16 of this act".

16. In new section 18, redesignate subdivisions (a) and (b) as subdivisions (1) and (2); in line 4 strike "herein" and insert "in this act"; in line 7 strike "subsection 3 above," and insert "section 16 of this act;"; in line 8 strike "hereunder"; in lines 9 and 14 strike "subsection (1) above" and insert "sections 5 to 7 of this act"; in line 15 strike "herein" and insert "in this section"; and in line 16 strike "of this act".

17. Renumber original sections 2 and 3 as sections 19 and 20.

18. In the title, strike lines 6 to 8 and insert "assurances of financial ability as prescribed; to provide for actions; to repeal the original".

(Signed) Donald N. Dworak, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 37.

A BILL FOR AN ACT to amend section 44-1615, Reissue Revised Statutes of Nebraska, 1943, relating to group insurance; to change the life insurance coverage provisions as prescribed; and to repeal the original section, and also section 44-1618, Revised Statutes Supplement, 1974.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Anderson
Barnett
Bereuter
Burrows
Carsten
Chambers
Cope
DeCamp
Duis
Fitzgerald
George
Goodrich
Hasebroock
Johnson
Kennedy
Koch
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Rumery
Savage
Simpson
Skarda
Stoney
Swigart
Syas
Warner
Wiltse

Voting in the negative, 5:

Clark
Kelly
R. Lewis
Marvel
Rasmussen

Not voting, 13:

Burbach
Cavanaugh
Dickinson
Dworak
Fowler
Keyes
Kime
Kremer
F. Lewis
Murphy
Nichol
Schmit
Stull

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 275. Mr. Barnett moved to suspend the rules, Rule 5, Sec. 6, sub (g), to read LB 275 on Final Reading. The motion prevailed with 36 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 275.

A BILL FOR AN ACT relating to correctional services; to provide for rules and regulations respecting rights and privileges; to provide for adult disciplinary procedures within institutions administered by the Department of Correctional Services as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson
Barnett
Bereuter
Burbach
Carsten
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fowler
George
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kime
Koch
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 5:

Burrows
Fitzgerald
Kelly
Kremer
Stull

A constitutional majority having voted in the affirmative, the bill was declared passed and title agreed to.

LEGISLATIVE BILL 440.

A BILL FOR AN ACT to amend section 71-4305, Revised Statutes Supplement, 1974, relating to public health and welfare; to exempt political subdivisions from payment of swimming pool inspection fees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Anderson
Bereuter
Burbach
Burrows
Cavanaugh
Chambers
Clark
Cope
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Koch
R. Lewis
Mahoney
Maresh
Marsh
Mills
Moylan
Nichol
Rasmussen
Rumery
Savage
Schmit
Skarda
Swigart
Syas
Warner

Voting in the negative, 8:

Barnett DeCamp Dickinson Johnson Luedtke
Simpson Stoney Wiltse

Not voting, 6:

Carsten Kremer F. Lewis Marvel Murphy
Stull

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 495.

A BILL FOR AN ACT relating to the time for commencement of actions; to provide when actions to recover damages for breach of warranty or deficiency on improvements to real property shall be commenced as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Clark Cope
DeCamp Dickinson Dworak Fitzgerald Fowler
George Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime Koch F. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Mills Moylan Murphy Nichol Rasmussen
Rumery Savage Schmit Simpson Skarda
Stoney Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 4:

Duis Kremer R. Lewis Stull

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 534.

A BILL FOR AN ACT to amend sections 11-105 and 11-115, Reissue Revised Statutes of Nebraska, 1943, relating to official bonds; to change the time for filing certain bonds; to provide procedures upon failure to file timely; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson Barnett Bereuter Burbach Carsten
Cavanaugh Clark Cope DeCamp Dickinson
Duis Dworak Fitzgerald Fowler George
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kime Koch R. Lewis Luedtke
Mahoney Maresh Marsh Marvel Mills
Moylan Murphy Nichol Rasmussen Rumery
Savage Schmit Simpson Skarda Stoney
Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 5:

Burrows Chambers Kremer F. Lewis Stull

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 535.

A BILL FOR AN ACT to repeal sections 89-201 to 89-209, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Sugar Beet Weighing and Testing Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson Barnett Bereuter Burbach Carsten
Cavanaugh Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald Fowler

George Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Koch F. Lewis R. Lewis
Luedtke Maresh Marsh Marvel Mills
Moylan Murphy Nichol Rasmussen Rumery
Savage Schmit Simpson Skarda Stoney
Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 6:

Burrows Kime Kremer Mahoney Stull
Swigart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 583. With Emergency.

A BILL FOR AN ACT to amend section 86-705, Reissue Revised Statutes of Nebraska, 1943, relating to the interception of wire or oral communications; to provide the contents of orders authorizing wire taps; to provide that an inventory containing information on the wire tap shall be issued; to provide for a right of appeal; to require the attendance of witnesses and production of evidence; to prohibit certain uses of information from an intercepted communication; to authorize the use of subpoenas to compel attendance of witnesses; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached;' "

Voting in the affirmative, 39:

Anderson Barnett Bereuter Burbach Burrows
Cavanaugh Chambers Clark DeCamp Duis
Dworak Fitzgerald Fowler George Goodrich
Hasebroock Johnson Kelly Kennedy Keyes
Koch F. Lewis Luedtke Mahoney Marsh
Mills Moylan Murphy Nichol Rumery
Savage Schmit Simpson Skarda Stoney
Swigart Syas Warner Wiltse

Voting in the negative, 6:

Carsten Cope Kime R. Lewis Maresh
Rasmussen

Not voting, 4:

Dickinson Kremer Marvel Stull

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 248. Mr. F. Lewis renewed his pending motion found in the Journal on page 451 for the Seventeenth Day to indefinitely postpone. The motion lost with 6 ayes, 25 nays and 18 not voting.

Mr. Cavanaugh offered the following amendment:

It shall be a conflict of interest for any member of the board to have either a direct or indirect interest in the outcome of any rule or regulation to be adopted. Any member promoting such an interest shall be guilty of a misdemeanor and punished by a fine of $100.00.

Mr. Cavanaugh moved for a Call of the House. The motion lost with 9 ayes, 19 nays and 26 not voting.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 17:

Anderson Bereuter Cavanaugh Chambers Fitzgerald
Fowler Keyes F. Lewis Mahoney Marvel
Moylan Rumery Savage Schmit Simpson
Skarda Syas

Voting in the negative, 22:

Barnett Burbach Carsten Clark Cope
Dickinson George Hasebroock Kelly Kennedy
Kime Koch R. Lewis Luedtke Maresh
Marsh Murphy Nichol Rasmussen Stoney
Swigart Wiltse

Not voting, 10:

Burrows	DeCamp	Duis	Dworak	Goodrich
Johnson	Kremer	Mills	Stull	Warner

The amendment lost with 17 ayes, 22 nays and 10 not voting.

Advanced to E & R for Engrossment with 30 ayes, 10 nays and 9 not voting.

NOTICE OF COMMITTEE HEARING
Urban Affairs

LB 765 Wednesday, February 11, 1976 1:30 p.m.

(Signed) Steve Fowler, Chairman

EXPLANATION OF VOTE

Record yes on LB 275 if I had been present.

(Signed) R. D. Kelly

MOTIONS—Rule Changes

Mr. DeCamp offered the following rule change:

Rule 3, Sec. 18. Enrollment and Review. (a) The Chairman of Enrollment and Review shall be in order at any time in reporting bills which have been engrossed for Final Reading and passage. In the absence of the Chairman, the Vice-Chairman of the Judiciary Committee shall assume the duties of the Chairman of the Enrollment and Review Committee.

(b) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(c) The Chairman of Enrollment and Review shall have authority, without being required to include the same specifically in his reports and recommendations to the Legislature, in accord with accepted usage:

> To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File and specific amendments, and; To underscore or remove

underscoring, as the case requires, in standing committee reports and in General File, Select File and specific amendments, and; ~~When an amendment to add the emergency clause is adopted on Select File which does not spell out the standard emergency clause and make the necessary change in the title, the Chairman of Enrollment and Review shall also have the authority to add to the engrossed bill the standard emergency clause, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his reports and recommendations to the Legislature or making any special record thereof.~~

To fully set out the proper wording for the emergency clause and the severance clause when the amendment adopted is clear as to the intent but not worded exactly, and to correct the title as may be necessary.

(d) The Chairman of Enrollment and Review is specifically authorized and directed to shorten the length of sections by giving each paragraph a separate section number in all bills to the maximum extent possible, consistent, in his sole discretion, with good bill drafting practices.

Referred to Rules Committee.

Mr. George offered the following rule changes:

Rule 3 -Committees

Sec. 2. Standing Committees, Permanent. The standing committees and the number of members shall be as follows:

Agriculture and Environment	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Constitutional Revision and Recreation	7 members
Education	8 members
Government, Military & Veterans Affairs	8 members
Judiciary	8 members
Labor	7 members
Miscellaneous Subjects	8 members
Public Health and Welfare	7 members
Public Works	8 members
Revenue	8 members
Urban Affairs	8 members

The Speaker shall not be a regular member of any standing committee.

All committee members, except members of the Appropriations Committee, shall be nominated by the Committee on Committees in such manner as is hereafter set forth.

Sec. 3. Chairman, Vice-chairman. (a) The Chairman of each committee shall be selected by secret ballot on the floor of the Legislature.
(b) The Chairmen of the standing committees shall constitute the membership of the Appropriations Committee.
(c) Each standing committee shall elect from its membership a vice-chairman to serve in the absence of the chairman.

Sec. 19. Reference Committee. The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the bill to a standing committee or to General File, except for bills relating to appropriations. All appropriation bills shall be referred to the Appropriations Committee.

Those placed on General file will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these bills, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Rule 3.

Sec. 25. Appropriations Committee. (a) All appropriations bills shall first be submitted to the Appropriations Committee. Such bills shall then be reviewed and referred to standing committees based on the subject matter of each bill. The committee to which a bill is referred by the Appropriations Committee shall hold hearings and take all other steps appropriated in its deliberations concerning the proposed legislation.

(b) When each committee has reviewed all appropriations bills referred to such committee the committee shall make it's recommendations and refer each bill back to the Appropriations Committee for final consideration before being presented to the full legislative membership.

Rule 5

Sec. 4. (d) In each regular ninety day session each member shall be limited as an introducer or co-introducer to a total of ~~10~~ 9 bills for the period of introduction of bills by individual members and shall be limited to a total of 6 bills for the period of introduction in each regular sixty day session. Any bill withdrawn by a member during the introduction period of each session shall be counted in the limitation of ~~10~~ bills as prescribed for each regular session; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members. Bills introduced under Rule 5, sec. 3a will not be included in the limitation.

Rule 2 - Procedure
Sec. 10. Time Limit on Speaking. No member shall speak more than twice, nor for more than ~~ten~~ eight minutes on each occasion, upon any one question in debate during the same legislative day, without leave of the Legislature, except in explanation, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken.

Referred to the Rules Committee.

STANDING COMMITTEE REPORT
Telecommunications

LEGISLATIVE BILL 426. Placed on General File.

(Signed) Robert L. Clark, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 296. Placed on General File.

LEGISLATIVE BILL 666. Placed on General File as amended.
Standing Committee amendment to LB 666:

1. On page 2, line 15 after "of" strike "the"; line 16 strike "state or its citizens" and insert "children under the age of twenty-one years who are handicapped, as that term is from time to time defined by the Legislature".

LEGISLATIVE BILL 737. Placed on General File as amended.
Standing Committee amendment to LB 737:

AMENDMENT TO LB 737

1. On page 2, lines 8 and 13, strike "Game and Parks Commission", and insert "Nebraska State Historical Society"; line 10 after ":" insert "The South Half Northwest Quarter (S½NW¼) and the West 72½ acres of the North Half Northwest Quarter (N½NW¼) and beginning at the Southeast corner of the North Half Northeast Quarter (N½NE¼) thence West along the South line of the said North Half Northeast Quarter 201 rods thence North 6 rods, thence East 201 rods, thence South to the place of beginning, all in Section

29, Township 19 North, Range 50, West of the 6th P.M., Morrill County, Nebraska.”.

(Signed) George Syas, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 30, 1976, at 10:00 a.m., were the following bills: 329, 386, 485, 487, 569, 586, and 175.

(Signed) Janet Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 382, 441, 499, 514, 561, 574, and 640.

(Signed) Donald N. Dworak, Chairman

MOTION—Withdraw LB 7

Mr. Simpson renewed his pending motion found in the Journal on page 441 for the Seventeenth Day to withdraw LB 7. The motion prevailed with 31 ayes, 1 nay and 17 not voting.

MOTION—Return LB 581 to Select File

Mr. Clark moved to return LB 581 to Select File for the following specific amendment:

Amendments to LB 581

1. Insert a new section to read:

“Sec. 3. That Laws 1975, LB 605 section 10, be amended to read as follows:

Sec. 10. Agency No. 46 -- Department of Correctional Services

(1) Program No. 356 -- Parole Administration

GENERAL FUND	838,179
FEDERAL FUND est.	335,747
PROGRAM TOTAL	1,173,926

The department shall submit with the 1976-77 budget request a report including the average number of adults and juveniles under supervision per month, by district, and the average number of juvenile foster home placements per month.

(2) Program No. 370 -- Central Office

GENERAL FUND	536,003
FEDERAL FUND est.	1,231,738
PROGRAM TOTAL	1,767,741

The department shall submit with the 1976-77 budget request a report including: (a) The determination and evaluation of the impact of the State Plan for Corrections, (b) the components of the plan which are being implemented during the 1975-76 fiscal year, and (c) the plan reviewed and revised to reflect the agency's continuing efforts at penal reform.

There is included in the amount shown $75,000 General Funds to be used to provide $100 to each adult offender released through the parole process or upon the expiration of the sentence period.

There is included in the amount shown $75,000 General Funds to be used by the director for the improvement of adult services in Programs 372, 373, 376, 377, and 378. The department shall submit to the Governor and the Executive Board of the Legislative Council on or before November 1, 1975, a report detailing the manner in which the $75,000 is to be spent.

The department shall submit with the 1976-77 budget request a report including the monthly population for each institution as of the last day of each month, July 1974 to June 1975, and the number of admissions, transfers, and discharges per month per institution. For the purposes of this report, the penitentiary and the reformatory shall be considered as separate institutions. For each work release facility and the trustee dormitory, the monthly population shall be reported. In the section of the report pertaining to the Nebraska Center for Women, the number of women received from states other than Nebraska shall be shown by month and by state.

There is included in the amount shown funds to continue the development of a criminal justice information system. The development and implementation of this system shall be coordinated with the Supreme Court –Court Administrator, district courts, Board of Pardons, Nebraska State Patrol, Nebraska Commission on Law Enforcement and Criminal Justice, and Department of Administrative Services - Data Processing Division.

This system shall include information on both adults and juveniles. The Supreme Court - Court Administrator, Department of Correctional Services, and Nebraska State Patrol, in cooperation with the Nebraska

Commission on Law Enforcement and Criminal Justice, are hereby designated as being jointly responsible for the coordination and development of the system and shall jointly submit to the Governor and the Executive Board of the Legislative Council a report on or before November 1, 1975, as to the status of the development of this system.

The Division of Vocational Rehabilitation of the State Department of Education and the Nebraska Commission on Law Enforcement and Criminal Justice shall assist the Department of Correctional Services program by maximizing the federal funds available for correction reform purposes and assist in the documentation and measurement of the results of such fund utilization.

(3) Program No. 371 -- Youth Development Center-Geneva

GENERAL FUND	831,925
CASH FUND	42,500
PROGRAM TOTAL	874,425

(4) Program No. 372 -- Nebraska Penal and Correctional Complex - Penitentiary

GENERAL FUND	3,512,860
CASH FUND	94,000
FEDERAL FUND est.	352,675
PROGRAM TOTAL	3,959,535

(5) Program No. 376 -- Nebraska Penal and Correctional Complex - Reformatory

GENERAL FUND	1,200,499
PROGRAM TOTAL	1,200,499

(6) Program No. 377 -- Nebraska Penal and Correctional Complex - Institutional Treatment Services

GENERAL FUND	1,320,042
FEDERAL FUND est.	575,246
PROGRAM TOTAL	1,895,288

There is included in the amount shown 200,000 General Funds to be expended for educational and medical equipment and services. The department shall submit to the Governor and the Executive Board of the Legislative Council on or before November 1, 1975, a report projecting the use of these funds for 1975-76.

(7) Program No. 378 -- Nebraska Penal and Correctional Complex - Community Treatment Services

GENERAL FUND	305,673
FEDERAL FUND est.	276,500
PROGRAM TOTAL	582,173

(8) Program No. 373 -- Nebraska Center for Women - York

GENERAL FUND	418,633
CASH FUND	85,000
FEDERAL FUND est.	124,291
PROGRAM TOTAL	627,924

(9) Program No. 374 -- Youth Development Center-Kearney

GENERAL FUND	1,321,765
CASH FUND	98,000
FEDERAL FUND est.	80,000
PROGRAM TOTAL	1,499,765

(10) Program No. 563 -- Correctional Industries

REVOLVING FUND	~~1,332,484~~
	1,532,484
PROGRAM TOTAL	~~1,332,484~~
	1,532,484

The department shall submit with the 1976-77 budget request a financial report covering correctional industries, which shall include an itemized listing of the revenue collected by each product line, and the comparable expenses.

For Informational Purposes Only: Total Appropriations to Agency No. 46 and Fund Source

GENERAL FUND	10,285,579
CASH FUND	319,500
FEDERAL FUND est.	2,976,197
REVOLVING FUND	~~1,332,484~~
	1,532,484
AGENCY TOTAL	~~14,913,760~~
	15,113,760"

2. Renumber original sections 3 and 4 as sections 4 and 5.

3. On page 3, line 9, insert ", and Laws 1975, LB 605, section 10" after "1974".

4. In the title, line 3, insert ", and Laws 1975, LB 605, section 10" after "1974"; and in line 8 insert "to increase an appropriation;" after the semicolon.

The motion prevailed with 33 ayes, 0 nays and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 581. The Clark specific amendment found in this day's Journal was adopted with 33 ayes, 0 nays and 16 not voting.

Advanced to E & R for Re-Engrossment.

Mr. Clark asked unanimous consent to expedite LB 581. No objections. So ordered.

UNANIMOUS CONSENT—Unbracket LB 275A

Mr. Luedtke asked unanimous consent to unbracket LB 275A on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 275A. Considered.

Mr. Luedtke moved to indefinitely postpone. The motion prevailed with 27 ayes, 1 nay and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 76. Mr. Murphy renewed his pending specific amendment found in the Journal on page 422 for the Sixteenth Day.

Mr. Murphy moved for a Call of the House. The motion prevailed with 15 ayes, 9 nays and 25 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

The Murphy amendment lost with 15 ayes, 16 nays and 18 not voting.

Mr. F. Lewis asked unanimous consent to bracket until Friday, February 6, 1976.

Mr. Kelly objected.

Mr. Dickinson requested a record vote to Advance to E & R for Engrossment.

Voting in the affirmative, 22:

Barnett
Burbach
Burrows
Carsten
Cavanaugh
Fitzgerald
Johnson
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Moylan
Murphy
Rumery
Schmit
Simpson
Skarda
Stoney
Swigart
Syas
Warner

Voting in the negative, 3:

Dickinson
Dworak
Kelly

Not voting, 24:

Anderson Bereuter Chambers Clark Cope
DeCamp Duis Fowler George Goodrich
Hasebroock Kennedy Keyes Kime Koch
Kremer Mahoney Marvel Mills Nichol
Rasmussen Savage Stull Wiltse

The motion to advance lost with 22 ayes, 3 nays and 24 not voting.

LEGISLATIVE BILL 412. Mr. Cavanaugh renewed his pending motion found in the Journal on page 442 for the Seventeenth Day to indefinitely postpone.

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 25:

Bereuter Cavanaugh Chambers Clark Cope
Dickinson Duis Dworak Fitzgerald Fowler
Hasebroock Kennedy Keyes Kime R. Lewis
Maresh Marvel Mills Moylan Rasmussen
Rumery Savage Stoney Syas Wiltse

Voting in the negative, 9:

Anderson Barnett Luedtke Murphy Schmit
Simpson Skarda Swigart Warner

Not voting, 15:

Burbach Burrows Carsten DeCamp George
Goodrich Johnson Kelly Koch Kremer
F. Lewis Mahoney Marsh Nichol Stull

The motion prevailed with 25 ayes, 9 nays and 15 not voting.

LEGISLATIVE BILL 202. Laid over at the request of Speaker Burbach.

LEGISLATIVE BILL 502. E & R amendment found in the Journal on page 438 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 445. E & R amendment found in the Journal on page 438 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 177. E & R amendment found in the Journal on page 438 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 120. E & R amendments found in the Journal on page 438 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 585. E & R amendments found in the Journal on page 439 for the Seventeenth Day were adopted.

Mr. Duis offered the following amendment:

Amendment to LB 585

1. Strike Standing Committee Amendment 7 and the Luedtke amendment thereto.

2. On page 17, line 24 strike the new matter and reinstate the stricken matter; and in line 26 after "require" insert ", except that when real estate is to be appraised, the county judge shall appoint a real estate appraiser licensed under sections 81-8,276 to 81-8,287, but if the county judge shall find that no licensed real estate appraiser is a disinterested freeholder of the county, some other competent person may be appointed".

3. On page 19, reinstate the stricken matter in lines 4 through 6; and in line 16 reinstate "including appraiser's fees".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 460. E & R amendment found in the Journal on page 449 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 536. E & R amendment found in the Journal on page 449 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 266. E & R amendments found in the Journal on page 449 for the Seventeenth Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 460 to Select File

Mr. Kelly moved to return LB 460 to Select File for the following specific amendment:
To amend LB 460 page 11 strike lines 23, 24, 25, 26, 27
Page 12 strike lines 1, 2, 3, 4, 5, 6, 7, 8, 9.
This removes subsection (1) from 3-128

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 460. The Kelly specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 431. The Stull amendment found in the Journal on page 451 for the Seventeenth Day was renewed.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment with 28 ayes, 0 nays and 21 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Anderson asked unanimous consent to print the following amendment to LB 412 in the Journal. No objections. So ordered.

AMENDMENT TO LB 412

1. On page 4, lines 6 to 9, strike the new matter and insert: "except that, if the application has been protested by inspectors of the commission, then the decision of the commission may be reversed, vacated, or modified only by the district court of Lancaster County."

Mr. DeCamp asked unanimous consent to print the following amendments fo LB 464 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 464

1. Strike sections 1 to 10 and insert:

"Section 1. The purpose of this act shall be to prohibit lottery operations in the state unless such operation shall be for charitable or community betterment purposes.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Lottery shall mean a game of chance established and licensed pursuant to this act;

(2) Community betterment shall mean any temporary or permanent public improvement or benefit that enhances the quality of life or increases the value of a community;

(3) Net revenue shall mean that amount of revenue derived from the total lottery ticket sales minus prize disbursements and expenses incurred in the operation of the lottery;

(4) Charitable shall mean an act or activity conducted for a benevolent purpose;

(5) Director shall mean the Director of Revenue; and

(6) Department shall mean the Department of Revenue.

Sec. 3. The Department of Revenue is hereby directed to promulgate such rules and regulations as it deems necessary and desirable governing the establishment, operation, and licensure of lotteries operated within the state. Such rules and regulations may include, but shall not be limited to, the following:

(1) The manner of payment of prizes to the holders of winning tickets or shares;

(2) Without limit as to number, the type or types of locations at which tickets or shares may be sold; and

(3) No person under the age of eighteen years shall be allowed to sell tickets or shares.

Sec. 4. Any incorporated city or village in the state may contract to operate a lottery if such operation is in accordance with the rules and regulations required by this act.

The approval of the city council or village board shall be required before a lottery may be operated under contract by such city or village.

If two or more incorporated cities or villages join together in the operation of a lottery, the net revenue derived from such operation shall be apportioned among the several cities and villages operating the lottery. The apportionment formula shall be agreed upon by all city councils and village boards involved in the lottery, and the formula shall be in accordance with the rules and regulations promulgated under section 3 of this act.

Sec. 5. The Department of Revenue shall make a monthly report to the Governor and the Legislature showing the total lottery revenue, total prize disbursements, and other expenses for the preceding month for all lotteries operating in the state. An annual report to the Governor and Legislature shall also be made.

Sec. 6. The director shall have the power and duty to:

(1) Supervise, license, and administer the operation of lotteries in accordance with the provisions of this act;

(2) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed upon the department by this act;

(3) Allow the operator of a lottery to provide for and control the sales of tickets or shares in such a manner as the operator deems feasible; and

(4) Suspend or revoke any license issued pursuant to this act in accordance with Chapter 84, article 9.

Sec. 7. Before issuing a license to an operator of a lottery, the director shall consider such factors as:

(1) The nature of the business or activity of the operator being licensed; and

(2) The financial responsibility and security of the operator involved.

It shall not be necessary to license each individual who may be selling tickets on behalf of a licensed operator.

Sec. 8. No right of any person to a prize drawn shall be assignable, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and except that any person pursuant to an appropriate judicial order may be paid the prize to which the winner is entitled. The director shall be discharged of all further liability upon payment of a prize pursuant to this section.

Sec. 9. Any person may purchase lottery tickets or shares and give such tickets or shares to another as a gift.

Sec. 10. No ticket or share shall be sold to any person under the age of eighteen, but this shall not be deemed to prohibit the purchase of a ticket or share for the purpose of making a gift by a person eighteen years of age or older to a person less than that age.

Sec. 11. Unclaimed prize money for the prize on a winning ticket or share shall be retained for the person entitled thereto for one year after the drawing in which the prize was won. If no claim is made for the money within such year, the prize money shall be allocated to incorporated cities and villages in accordance with rules and regulations promulgated by the director for community betterment purposes.

Sec. 12. No other law providing any penalty or disability for the sale of lottery tickets or any acts done in connection with lotteries shall apply to the sale of tickets or shares performed pursuant to this act.

Sec. 13. If the person entitled to a prize or any winning ticket is under the age of eighteen years and such prize is less than five thousand dollars, the director may direct payment of the prize by delivery to an adult member of the minor's family or a guardian of the minor of a check or draft payable to the order of such minor. If the person entitled to a prize or any winning ticket is under the age of eighteen years and such prize is five thousand dollars or more, the director may direct payment to such minor by depositing the amount of the prize in any bank to the credit of an adult member of the minor's family or a guardian of the minor as custodian for such minor. The person so named as custodian shall have the same duties and powers as a person designated as a custodian in a manner prescribed by the Nebraska Uniform Gifts to Minors Act, and for the purposes of this section the terms adult member of a minor's family, guardian of a minor, and bank shall have the same meaning as described in such act. The director shall be discharged of all further liability upon payment of a prize to a minor pursuant to this section.

Sec. 14. The Auditor of Public Accounts shall conduct an annual audit of all accounts and transactions of the department relating to the operation of lotteries.

Sec. 15. All operators of lotteries in the state may be required to give bond at the discretion of the director in such amount as determined by the director but not to exceed one hundred thousand dollars which shall be payable to the state. Any guaranty, surety, fidelity, or bonding company legally authorized to transact business in this state shall be eligible to suretyship on such bond.

Sec. 16. This act shall be known and may be cited as the State Lottery Law.

Sec. 17. Any person who violates the provisions of this act shall be penalized in accordance with section 28-964.05.

Sec. 18. That section 28-964.03, Revised Statutes Supplement, 1974, be amended to read as follows:

28-964.03. Any bona fide nonprofit organization ~~whose primary activities are conducted for charitable and community betterment purposes~~ may conduct lotteries, raffles, and gift enterprises when the net proceeds of such activities are used solely for charitable or community betterment purposes and the awarding of prizes to participants.

Sec. 19. That section 28-964.04, Revised Statutes Supplement, 1974, be amended to read as follows:

28-964.04. Any county, city, or village is hereby authorized to ~~establish and conduct~~ contract for the operation of lotteries when the proceeds of such lotteries are used solely for community betterment purposes and the awarding of prizes to participants.~~:~~ ~~Provided, that no county, city, or village shall establish and conduct such a lottery until such course of action has been approved by a majority of the registered voters of such county, city, or village casting ballots on the issue at a regular election or a special election called for the purpose of considering such action.~~

Sec. 20. That original sections 28-964.03 and 28-964.04, Revised Statutes Supplement, 1974, are repealed.

Sec. 21. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, strike lines 2 to 8 and insert:

"FOR AN ACT relating to lotteries; to define terms; to prohibit the establishment, management, operation, and license of lotteries except as prescribed; to provide for violations and penalties; to amend sections 28-964.03 and 28-964.04, Revised Statutes Supplement, 1974; to repeal the original sections; and to declare an emergency.".

MOTION—Return LB 339 to Select File

Mr. Rasmussen moved to return LB 339 to Select File for the following specific amendment:

Strike the enacting clause.

Voting in the affirmative, 17:

Barnett Bereuter Burbach Burrows Chambers
DeCamp Dworak Fitzgerald Fowler Kelly
Maresh Mills Murphy Rasmussen Schmit
Warner Wiltse

Voting in the negative, 19:

Anderson Carsten Cope Dickinson Duis
George Goodrich Hasebroock Keyes F. Lewis

Luedtke Mahoney Marsh Moylan Rumery
Savage Stoney Swigart Syas

Not voting, 13:

Cavanaugh Clark Johnson Kennedy Kime
Koch Kremer R. Lewis Marvel Nichol
Simpson Skarda Stull

The motion lost with 17 ayes, 19 nays and 13 not voting.

SELECT COMMITTEE REPORT

Correctly Re-engrossed

The following bill was correctly re-engrossed: 581.

(Signed) Donald N. Dworak, Chairman

MOTIONS—Introduce Bills

Mr. Mahoney moved the introduction of a new bill by the Executive Board. (Req. No. 1138). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Maresh moved the introduction of a new bill by the Committee on Labor. (Req. No. 1474). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Maresh moved the introduction of a new bill by the Committee on Labor. (Req. No. 1473).

Mr. Maresh moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays and 28 not voting.

The motion to introduce the new bill prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Maresh moved the Call be raised. The motion prevailed.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 987. By Executive Board: Mahoney, 5th District, Chairman; Rasmussen, 41st District; Schmit, 23rd District; Savage, 10th District; Barnett, 26th District.

A BILL FOR AN ACT to adopt the Nebraska Political Accountability and Disclosure Act; to provide provisions relating to campaign practices, lobbying, and conflicts of interest as prescribed; to create the Nebraska Accountability and Disclosure Commission; to provide duties and responsibilities of such commission; to provide penalties; to provide for severability; and to repeal sections 32-1136 to 32-1143, 32-1144 to 32-1148, 32-1150 to 32-1155, 49-1101 to 49-1117, 50-308 to 50-311, and 50-313 to 50-318, Reissue Revised Statutes of Nebraska, 1943, and sections 32-1134, 32-1135, 32-1143.01, 32-1143.02, and 32-1149, Revised Statutes Supplement, 1974.

LEGISLATIVE BILL 988. By Labor Committee: Maresh, 32nd District, Chairman; Rumery, 42nd District; Kime, 43rd District; Murphy, 17th District; Kennedy, 21st District; Fitzgerald, 14th District; F. Lewis, 45th District.

A BILL FOR AN ACT to disallow certain claims against the state.

LEGISLATIVE BILL 989. By Labor Committee: Maresh, 32nd District, Chairman; Rumery, 42nd District; Kime, 43rd District; Kennedy, 21st District; Murphy, 17th District; Fitzgerald, 14th District; F. Lewis, 45th District.

A BILL FOR AN ACT to make appropriations for the payment of miscellaneous claims against the state; to provide how payments shall be made; and to declare an emergency.

LEGISLATIVE BILL 990. By Mahoney, 5th District, at request of Governor.

A BILL FOR AN ACT to amend section 42-103, Reissue Revised Statutes of Nebraska, 1943, relating to husband and wife; to delete reference to idiots; and to repeal the original section.

LEGISLATIVE BILL 991. By Mahoney, 5th District, at request of Governor.

A BILL FOR AN ACT to amend section 81-550, Reissue Revised Statutes of Nebraska, 1943, relating to the Natural Gas Pipe Line Safety Act of 1969; to increase the amount that may be assessed against persons having pipe line facilities in this state; and to repeal the original section.

LEGISLATIVE BILL 992. By Mahoney, 5th District, at request of Governor.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, sections 6 and 10, of the Constitution of Nebraska, relating to the Legislature; to provide for biennial sessions of limited length; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 993. By Anderson, 37th District, at request of Governor.

A BILL FOR AN ACT to amend section 53-160, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to create the Department of Public Institutions Alcoholism Cash Fund; to provide funding by an increased tax on alcoholic liquors; and to repeal the original section.

LEGISLATIVE BILL 674A. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Maresh, 32nd District; Moylan, 6th District; Cavanaugh, 9th District; Kelly, 35th District; R. Lewis, 38th District; Fowler, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 674, Eighty-fourth Legislature, Second Session, 1976.

REFERENCE COMMITTEE REPORT

LB	**Committee**
987	Misc. Subjects

(Signed) Wally Barnett, Vice-Chairman

UNANIMOUS CONSENT—Return LB 789 to General File

Mr. Mahoney asked unanimous consent to return LB 789 from the Miscellaneous Subjects Committee to General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 789. Mr. Mahoney moved to indefinitely postpone. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

NOTICE OF CANCELLATION OF HEARING

Miscellaneous Subjects

LB 789	Thursday, February 5, 1976 (canceled)	1:30 p.m.

(Signed) Gary Anderson, Chairman

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 686. Placed on General File.

LEGISLATIVE BILL 659. Indefinitely postponed.

(Signed) Dennis Rasmussen, Chairman

UNANIMOUS CONSENT—Return LB 802 to General File

Mr. Keyes asked unanimous consent to return LB 802 to General File from the Government, Military and Veterans Affairs Committee. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 802. Mr. Keyes moved to indefinitely postpone. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

NOTICE OF CANCELLATION OF HEARING
Government, Military and Veterans Affairs

LB 802 Friday, February 6, 1976 (canceled) 1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

UNANIMOUS CONSENT–Return LB 907 to General File

Mr. Dworak asked unanimous consent to return LB 907 to General File from the Education Committee. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 907. Mr. Dworak moved to indefinitely postpone. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 956. Title read.

Mr. Cavanaugh asked unanimous consent to refer the bill to the reference committee for referral to a committee for public hearing. No objections. So ordered.

LEGISLATIVE BILL 704. Title read. Considered.

Standing Committee amendment found in the Journal on page 331 for the Twelfth Day was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 675. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 717. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 655. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 696. Title read. Considered.

Standing Committee amendments found in the Journal on page 383 for the Fifteenth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 674. Title read. Considered.

Standing Committee amendments found in the Journal on page 410 for the Fifteenth Day were adopted with 25 ayes, 4 nays and 20 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 657. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

NOTICE OF COMMITTEE HEARINGS

Education

LB 852	Monday, February 9, 1976	1:30 p.m.
LB 920	Monday, February 9, 1976	1:30 p.m.
LR 110	Monday, February 9, 1976	1:30 p.m.
LB 855	Tuesday, February 10, 1976	1:30 p.m.
LB 148	Tuesday, February 10, 1976	1:30 p.m.
LB 878	Tuesday, February 10, 1976	1:30 p.m.
LB 906	Tuesday, February 17, 1976	1:30 p.m.
LB 953	Tuesday, February 17, 1976	1:30 p.m.
LB 854	Tuesday, February 17, 1976	1:30 p.m.
LB 853	Tuesday, February 17, 1976	1:30 p.m.
LB 887	Monday, February 23, 1976	1:30 p.m.
LB 947	Monday, February 23, 1976	1:30 p.m.
LB 965	Monday, February 23, 1976	1:30 p.m.
LB 833	Tuesday, February 24, 1976	1:30 p.m.
LB 907	Tuesday, February 24, 1976	1:30 p.m.
LB 940	Tuesday, February 24, 1976	1:30 p.m.
LB 803	Monday, March 1, 1976	1:30 p.m.
LB 866	Monday, March 1, 1976	1:30 p.m.
LB 816	Monday, March 1, 1976	1:30 p.m.

LB 842	Tuesday, March 2, 1976	1:30 p.m.
LB 785	Tuesday, March 2, 1976	1:30 p.m.
LB 762	Monday, March 8, 1976	1:30 p.m.

(Signed) Frank Lewis, Chairman

STANDING COMMITTEE REPORT

Government, Military and Veterans Affairs

LEGISLATIVE BILL 652. Placed on General File as amended.
Standing Committee amendment to LB 652:

1. On page 2, line 9, reinstate the stricken matter and before the reinstated comma insert "or designee"; line 14 after "Regions" strike ", the Lieutenant Governor,".

(Signed) Dennis L. Rasmussen, Chairman

VISITORS

The President introduced Mrs. Robert Fricke, Denise and Wayne from Hastings; Mrs. Helga Brown from Clay Center and Per Bruce, an International Cultural Exchange student from Sweden.

ADJOURNMENT

At 11:55 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Monday, February 2, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

NINETEENTH DAY—FEBRUARY 2, 1976

NINETEENTH DAY—FEBRUARY 2, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 2, 1976

Pursuant to adjournment, the Legislature met at 9:31 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, our Father, may this be a day of high visibility for us. So often our mental and emotional ceiling is zero. We try to think clearly and see accurately, but are often fogged in. May we through contact with Thee lift our thoughts above the clouds where there is clear visibility and broad perspective for making our decisions. Remind us afresh that "they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run and not be weary; they shall walk and not faint." Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused, and Messrs. Anderson, George, Carsten and F. Lewis who were excused until they arrive; and Mr. Cavanaugh who was absent until 9:55 a.m.

CORRECTIONS FOR THE JOURNAL

Page 474, line 33, insert "Re-" before "Engrossment".
Page 475, line 15, delete page 451, insert page 432.
The Journal for the Eighteenth Day was approved as corrected.

UNANIMOUS CONSENT—Print in Journal

Mr. Murphy asked unanimous consent to print amendments to LB 917. No objections. So ordered. (Printed separate from the Journal and on file in the Clerk's office.)

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 413. Replaced on Select File as amended.
E & R amendments to LB 413:

1. Because of the new section added by the DeCamp amendment, in the Anderson amendments, page 2, strike lines 6 to 23.
2. Renumber new section 1 added by the DeCamp amendments as sections 2, original section 1 as section 3, new section 3 added by the DeCamp amendments as section 4, and new section 4 added by the Anderson amendments as section 5.
3. In the Anderson amendments, page 1, insert "or, if the license is not sought within a city or incorporated village, the county clerk of the county wherein such license is sought" at the end of line 19 as in the statutes; and on page 2, line 2, insert an underscored comma after "commission".
4. In section 2, numbered line 5, strike "thirty" and insert "~~thirty~~ forty-five".
5. In lieu of the Cavanaugh amendments, strike beginning with the comma on page 2, line 26, through the new matter on page 3, line 1.
6. In the Anderson amendments, page 2, line 25, insert "show as stricken and" after "and".
7. In the DeCamp amendments, page 3, line 5, insert an underscored comma after "proceeding".
8. In section 5, line 1, strike "and" and insert a comma; and at the end of line 1 insert "and 53-1,116,".
9. Strike the Anderson amendment 5.
10. In the title, line 2, strike "section 53-133" and insert "sections 53-131, 53-132, 53-133, and 53-1,116"; in line 4 insert "to extend the time for filing protests;" after the semicolon; and in line 7 strike "section" and insert "sections".

(Signed) Donald N. Dworak, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 168
January 29, 1976

Dear Senator Warner:

You have asked whether L.B. 635 containing proposed amendments to secs. 81-8,274 and 81-8,275, will permit the Nebraska American

Revolution Bicentennial Commission to use its logo on products and in promotions and to assign its use to others for royalties. Those amendments authorize the Commission to provide for the production, determine the quantity and arrange for the sale of commemorative items in addition to the official medal.

Whether the Commission can use its logo as a trademark on such goods depends on trademark law. The object of that law is to avoid confusing the public as to the source of the goods. So far the official medal is the only commercial goods identified by the logo as coming from the Commission since that is the only goods the Commission has authority to have produced and sold. Any common law trademark it may have acquired applies only to such use. But the logo has also been used by the Commission in its promotional materials. If such uses have led the public to associate the logo with the Commission, others may have been kept from acquiring a common law trademark in the logo on other goods. If so, the Commission can now extend its common law trademark in the logo to other commemorative items as they are produced and sold. It can then assign such use to others for royalties.

You have also asked whether sec. 81-8,275 as amended by L.B. 635 will permit the Commission to contract for production of a limited edition of the official medal. No, it will not. The amendments in L.B. 635 do not change the requirement of the present law that the Commission reserve the right to reorder as deemed necessary. If the phrase "including reorders as deemed necessary" were deleted as you have suggested, the Commission would be able to contract for a limited edition of the official medal.

In conclusion, the amendments now in L.B. 635 will permit the Commission to have produced and sold commemorative items in addition to the official medal. Whether the Commission can use its logo on such items must be determined by other law. L.B. 635 in its present form will not permit the Commission to contract for a limited edition of the official medal. Deleting "including reorders as deemed necessary" will give the Commission such authority.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

MOTION—Withdraw LB 653

Mr. Moylan moved to withdraw LB 653.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 219.

A BILL FOR AN ACT to amend section 8-319, Revised Statutes Supplement, 1974, relating to building and loan associations; to change provisions relating to loans as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson Bereuter Burbach Chambers Clark
Cope DeCamp Dickinson Duis Dworak
Fitzgerald Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime Koch Kremer
R. Lewis Luedtke Mahoney Maresh Marvel
Mills Moylan Murphy Nichol Rasmussen
Rumery Savage Schmit Simpson Stoney
Stull Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 9:

Barnett Burrows Carsten Cavanaugh Fowler
George F. Lewis Marsh Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 265. Mr. DeCamp asked unanimous consent to bracket. No objections. So ordered.

LEGISLATIVE BILL 299. Mr. Kennedy moved to return LB 299 to Select File for the specific amendment found in the Journal on page 251 for the Eighth Day. The motion prevailed with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 348. Mr. Wiltse asked unanimous consent to bracket until February 4, 1976. No objections. So ordered.

LEGISLATIVE BILL 383. Mr. Kelly moved to return LB 383 to Select File for the following specific amendment:
Strike the enacting clause.

The motion lost with 16 ayes, 25 nays and 8 not voting.

LEGISLATIVE BILL 383.

A BILL FOR AN ACT to amend section 79-801, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for determination of the school status of annexed territory as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Anderson
Burbach
Burrows
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
Luedtke
Maresh
Rasmussen
Rumery
Savage
Schmit
Skarda
Stoney
Swigart
Warner
Wiltse

Voting in the negative, 14:

Barnett
Bereuter
Cavanaugh
Chambers
Fowler
Kelly
R. Lewis
Mahoney
Marvel
Mills
Nichol
Simpson
Stull
Syas

Not voting, 5:

Carsten
George
Marsh
Moylan
Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 425.

A BILL FOR AN ACT to amend section 24-537, Revised Statutes Supplement, 1974, relating to courts; to require mailing after rendition of judgment; to change certain time limits for the setting aside of judgments; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson Barnett Bereuter Burbach Burrows
Cavanaugh Clark Cope DeCamp Dickinson
Duis Dworak Fitzgerald Fowler Goodrich
Hasebroock Kelly Kennedy Keyes Koch
Kremer F. Lewis R. Lewis Luedtke Mahoney
Maresh Marvel Mills Moylan Murphy
Nichol Rasmussen Rumery Savage Schmit
Simpson Skarda Stoney Stull Swigart
Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 6:

Carsten Chambers George Johnson Kime
Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 515. With Emergency.

A BILL FOR AN ACT to amend sections 17-526 and 54-603, Reissue Revised Statutes of Nebraska, 1943, relating to dogs; to provide that local authorities shall set the amount of a dog license tax; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson Bereuter Burbach Cavanaugh Chambers
Clark Cope DeCamp Dickinson Dworak
Fitzgerald Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kime Koch
Kremer F. Lewis Luedtke Mahoney Maresh
Mills Moylan Murphy Nichol Rasmussen
Rumery Savage Schmit Skarda Stoney
Swigart Warner Wiltse

Voting in the negative, 4:

R. Lewis Simpson Stull Syas

Not voting, 7:

Barnett Burrows Carsten Duis George
Marsh Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 521.

A BILL FOR AN ACT to amend section 79-4,103, Revised Statutes Supplement, 1974, relating to schools; to provide that school districts shall claim nonresident tuition on a calendar quarter basis; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson Barnett Bereuter Burbach Burrows
Cavanaugh Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald Fowler
Goodrich Hasebroock Johnson Kelly Kennedy
Kime Koch Kremer F. Lewis R. Lewis
Luedtke Mahoney Maresh Marvel Mills
Moylan Nichol Rasmussen Rumery Savage
Schmit Simpson Skarda Stoney Stull
Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 5:

Carsten George Keyes Marsh Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 584.

A BILL FOR AN ACT to adopt the Uniform Act on Interstate Arbitration and Compromise of Death Taxes.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson Barnett Bereuter Burbach Burrows
Cavanaugh Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald Fowler
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kime Koch Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marvel
Moylan Murphy Nichol Rasmussen Rumery
Savage Schmit Simpson Skarda Stoney
Stull Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 4:

Carsten George Marsh Mills

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 587.

A BILL FOR AN ACT to amend section 79-458, Reissue Revised Statutes of Nebraska, 1943, relating to the school census; to increase the number of school districts eligible to establish a permanent census of school children; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson Barnett Bereuter Burbach Burrows
Cavanaugh Clark Cope DeCamp Dickinson
Duis Dworak Fitzgerald Fowler Goodrich
Hasebroock Johnson Kelly Kennedy Kime
Koch Kremer F. Lewis R. Lewis Luedtke
Mahoney Maresh Marvel Mills Moylan
Murphy Nichol Rasmussen Rumery Savage
Schmit Simpson Skarda Stoney Stull
Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 5:

Carsten
Chambers
George
Keyes
Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 596. With Emergency.

A BILL FOR AN ACT to repeal section 55-157.01, Revised Statutes Supplement, 1974, relating to the Nebraska National Guard; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Anderson
Barnett
Bereuter
Burbach
Burrows
Cavanaugh
Chambers
Clark
Dickinson
Duis
Dworak
Fitzgerald
Fowler
Hasebroock
Johnson
Kennedy
Keyes
Koch
Kremer
F. Lewis
R. Lewis
Maresh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Schmit
Skarda
Stoney
Swigart
Warner
Wiltse

Voting in the negative, 11:

Cope
DeCamp
Goodrich
Kelly
Kime
Luedtke
Mahoney
Savage
Simpson
Stull
Syas

Not voting, 3:

Carsten
George
Marsh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 613. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Disaster and Civil Defense Act; to amend sections 68-703, 81-829.42, and 81-829.55, Revised

Statutes Supplement, 1974; to assent to the Disaster Relief Act of 1974, P.L. 93-288; to provide powers and duties of the Governor, the state civil defense agency, and the Department of Public Welfare as prescribed; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Anderson Barnett Bereuter Burbach Burrows
Cavanaugh Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald Fowler
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kime Koch Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marvel
Mills Moylan Murphy Nichol Rasmussen
Rumery Savage Schmit Simpson Skarda
Stoney Stull Swigart Syas Warner
Wiltse

Voting in the negative, 0.

Not voting, 3:

Carsten George Marsh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 614.

A BILL FOR AN ACT to amend section 55-125, Revised Statutes Supplement, 1974, relating to the military code; to correct an erroneous internal reference; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson Barnett Bereuter Burbach Burrows
Cavanaugh Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald Fowler

Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 3:

Carsten
George
Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 615.

A BILL FOR AN ACT to amend section 84-902, Revised Statutes Supplement, 1974, relating to rules of administrative agencies; to provide for transfer of files from the Clerk of the Legislature to the Revisor of Regulations as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson
Bereuter
Burbach
Burrows
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 4:

Barnett
Carsten
F. Lewis
Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 616.

A BILL FOR AN ACT to amend section 45-101.04, Revised Statutes Supplement, 1975, relating to interest; to correct an erroneous internal reference; and to repeal the orignal section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Bereuter	Burbach	Cavanaugh
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Burrows	Carsten	Marsh	Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 617.

A BILL FOR AN ACT to amend section 60-320, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to correct erroneous internal references; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly

Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marvel
Moylan
Nichol
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 5:

Carsten
Marsh
Mills
Murphy
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 618.

A BILL FOR AN ACT to amend section 32-1309, Revised Statutes Supplement, 1975, relating to elections; to harmonize provisions with prior legislation; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson
Barnett
Bereuter
Burbach
Burrows
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marvel
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0:

Not voting, 6:

Carsten
Keyes
Marsh
Mills
Moylan
Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 619.

A BILL FOR AN ACT to amend sections 1-115, 1-116, 1-117, 1-118, 1-119, 1-120, 1-124, and 1-127, Reissue Revised Statutes of Nebraska, 1943, relating to accountants; to correct erroneous internal references; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marvel	Mills	Moylan	Murphy	Nichol
Rumery	Savage	Schmit	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Carsten	Marsh	Rasmussen	Simpson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 620.

A BILL FOR AN ACT to amend section 83-367, Reissue Revised Statutes of Nebraska, 1943, relating to care of the mentally ill; to harmonize provisions to conform with prior legislation; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler

George Goodrich Hasebroock Johnson Kelly
Kennedy Kime Koch Kremer F. Lewis
Luedtke Mahoney Maresh Marvel Mills
Moylan Murphy Nichol Rasmussen Rumery
Savage Simpson Skarda Stoney Stull
Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 5:

Carsten Keyes R. Lewis Marsh Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 621.

A BILL FOR AN ACT to amend sections 83-170 and 83-1,107.01, Revised Statutes Supplement, 1975, relating to the Department of Correctional Services; to harmonize provisions by correcting erroneous internal references; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson Barnett Bereuter Burbach Chambers
Clark Cope Duis Dworak Fitzgerald
George Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime Koch Kremer
F. Lewis Luedtke Mahoney Maresh Marvel
Mills Moylan Nichol Rasmussen Rumery
Savage Simpson Skarda Stoney Stull
Swigart Syas Warner Wiltse

Voting in the negative, 1:

Cavanaugh

Not voting, 9:

Burrows Carsten DeCamp Dickinson Fowler
R. Lewis Marsh Murphy Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT—Change of Order

Mr. Kennedy asked unanimous consent to consider LB 545A on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 545A. Mr. Kennedy moved to indefinitely postpone.

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 545. With Emergency.

A BILL FOR AN ACT to amend section 43-907, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Center for Children and Youth; to increase the amount of assets which state wards may own; to refer to the administrator rather than the superintendent; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson Barnett Bereuter Burbach Burrows
Cavanaugh Chambers Clark Cope DeCamp
Dickinson Dworak Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Koch Kremer
F. Lewis R. Lewis Luedtke Mahoney Maresh
Marvel Mills Moylan Murphy Nichol
Rasmussen Rumery Savage Simpson Skarda
Stoney Stull Swigart Syas Warner
Wiltse

Voting in the negative, 0.

Not voting, 8:

Carsten Duis Fitzgerald George Keyes
Kime Marsh Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
956	Misc. Subjects	991	Bkg. Comm. & Ins.
988	Labor	992	Cons. Rev. & Rec.
989	Labor	993	Misc. Subjects
990	Judiciary		

(Signed) Eugene T. Mahoney, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 116. By DeCamp, 40th District.

WHEREAS, the salvation of the family farm in the State of Nebraska and the United States is of critical importance to both agriculture and the consumer in America; and

WHEREAS, one of the major causes of destruction of the family farm and the family farm system is the loss of family owned farms and businesses because of federal inheritance and estate tax laws; and

WHEREAS, it is to the benefit of this country to have estate tax laws that are not confiscatory in nature which present federal estate tax laws are; and

WHEREAS, the Congress of the United States has seemingly procrastinated on this most important matter thereby making it impossible for state legislatures to effect or enact corrective legislation until the federal government acts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature of the State of Nebraska exhorts and insists that the Congress of the United States take action on this matter of the federal estate tax laws immediately in order that state legislatures throughout the United States may take action yet this year which will help save the family farm.

2. That a copy of this resolution be sent by the Clerk of the Legislature to all members of the Congress of the United States and the Nebraska's Congressional delegation be encouraged in the strongest manner possible to utilize whatever abilities they have to bring this matter to a satisfactory conclusion as quickly as possible.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 91, 120, 177, 266, 339, 445, 477, 502 and 622.

Correctly Enrolled

The following bills were correctly enrolled: 37, 275, 440, 495, 534, 535 and 583.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 37, 275, 440, 495, 534, 535 and 583.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 634A. By Rumery, 42nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 634, Eighty-fourth Legislature, Second Session, 1976; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 76. Mr. F. Lewis asked unanimous consent to bracket until Friday, February 13, 1976.

Mr. Kelly objected.

Mr. F. Lewis asked unanimous consent to bracket until Wednesday, February 11, 1976. No objections. So ordered.

LEGISLATIVE BILL 202. Mr. Stull asked unanimous consent to bracket LB 202 until Thursday, February 5, 1976. No objections. So ordered.

LEGISLATIVE BILL 432. E & R amendment found in the Journal on page 456 for the Eighteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 544. E & R amendments found in the Journal on page 456 for the Eighteenth Day were adopted.

Mr. R. Lewis asked unanimous consent to bracket LB 544. No objections. So ordered.

LEGISLATIVE BILL 299. The Kennedy specific amendment found in the Journal on page 251 for the Eighth Day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT—Hold LB 275

Mr. Luedtke asked unanimous consent to hold LB 275. No objections. So ordered.

MOTION—Reconsider Action

Mr. Luedtke moved to reconsider action of LB 275 on Final Reading.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

MOTION—Return LB 275 to Select File

Mr. Luedtke moved to return LB 275 to Select File for the following specific amendment:

1. On page 7, strike lines 26 and 27.
2. On page 8, strike lines 1 through 9.
3. Renumber original section 16 as section 15.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 275. The Luedtke specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT—Unbracket LB 597

Mr. Simpson asked unanimous consent to unbracket LB 597 on General File and set for discussion on Tuesday, February 10, 1976. No objections. So ordered.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 667. Placed on General File.
LEGISLATIVE BILL 808. Placed on General File.

(Signed) George Syas, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 536.

(Signed) Donald N. Dworak, Chairman

MOTION—Adopt Rule Changes

Mr. DeCamp moved the adoption of the Bereuter rule change to Rule 2, sec. 3., found in the Journal on page 389 for the Fifteenth Day.

Mr. Bereuter offered the following amendment to his rule change:
include "or photographers".

Mr. Mills moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 8 nays and 14 not voting.

The Bereuter amendment was adopted with 25 ayes, 15 nays and 9 not voting.

Mr. Cavanaugh requested a record vote on the Bereuter rule change to Rule 2, sec. 3, as amended.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 27 ayes, 5 nays and 17 not voting.

The Call showed 47 members present.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 27:

Anderson	Barnett	Bereuter	Carsten	Clark
Cope	DeCamp	Duis	Fitzgerald	George
Hasebroock	Johnson	Kelly	Kime	Kremer
R. Lewis	Maresh	Mills	Moylan	Murphy
Rasmussen	Schmit	Skarda	Stoney	Stull
Warner	Wiltse			

Voting in the negative, 19:

Burbach	Burrows	Cavanaugh	Dickinson	Dworak
Fowler	Goodrich	Kennedy	Keyes	Koch
F. Lewis	Luedtke	Mahoney	Nichol	Rumery
Savage	Simpson	Swigart	Syas	

Not voting, 3:

Chambers	Marsh	Marvel

The rule change lost with 27 ayes, 19 nays and 3 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

Mr. DeCamp moved the adoption of the rule change found in the Journal on page 1593 for the Seventy-fourth Day, First Session, to Rule 2, sec. 7(a).

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 8 nays and 14 not voting.

The DeCamp rule change lost with 12 ayes, 24 nays and 13 not voting.

STANDING COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 643. Placed on General File.
LEGISLATIVE BILL 644. Placed on General File.
LEGISLATIVE BILL 645. Placed on General File.

(Signed) William H. Hasebroock, Chairman

Public Health and Welfare

LEGISLATIVE BILL 716. Placed on General File as amended.
Standing Committee amendment to LB 716:

1. On page 5, line 7 after the period strike "No" and show as stricken; strike lines 8 through 20, showing all old matter as stricken.

(Signed) Thomas C. Kennedy, Chairman

Judiciary

LEGISLATIVE BILL 338. Indefinitely postponed.
LEGISLATIVE BILL 479. Indefinitely postponed.
LEGISLATIVE BILL 540. Indefinitely postponed.
LEGISLATIVE BILL 558. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 850	Wednesday, February 11, 1976 (Cancelled)	1:30 p.m.
LB 850	Wednesday, February 18, 1976 (Reset)	1:30 p.m.
LB 851	Wednesday, February 11, 1976 (Cancelled)	1:30 p.m.
LB 851	Wednesday, February 18, 1976 (Reset)	1:30 p.m.
LB 914	Wednesday, February 11, 1976 (Cancelled)	1:30 p.m.
LB 914	Wednesday, February 18, 1976 (Reset)	1:30 p.m.

(Signed) Calvin F. Carsten, Chairman

Constitutional Revision and Recreation

LB 992	Friday, February 13, 1976	1:30 p.m.

(Signed) George Syas, Chairman

Appropriations

LB 979	Monday, February 9, 1976	1:30 p.m.
LB 980	Monday, February 9, 1976	1:30 p.m.
LB 984	Tuesday, February 17, 1976	1:30 p.m.

Executive Session

Tuesday, February 10, 1976	1:30 p.m.
Wednesday, February 11, 1976	1:30 p.m.
Thursday, February 12, 1976	1:30 p.m.

(Signed) Richard D. Marvel, Chairman

UNANIMOUS CONSENT—Bracket LB 519

Mr. Schmit asked unanimous consent to bracket LB 519 on General File until Wednesday, February 4, 1976. No objections. So ordered.

ADJOURNMENT

At 12:05 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, February 3, 1976.

Vincent D. Brown
Clerk of the Legislature

TWENTIETH DAY—FEBRUARY 3, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 3, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father in heaven, we pray for the members of this body in their several responsibilities. Help them in their offices, in committees, and above all as they meet here in legislative session.
>
> May they never forget that what is said and done here is not done in a corner, but always under thy scrutiny. May they feel the weight of their responsibilities before Thee, and remember the influence of a good example, that all who come to this place may have a stronger faith in government of the people, by the people, for the people.
>
> May the senators so speak and so act that all who wait upon them may be inspired, rather than dissolutioned by what they see and hear and are asked to do. O Lord, make Thy self real to these men and women, that each may feel Thee sitting beside him, and hear Thy voice, and win Thine approval in all things. So help them, God, for Jesus' sake. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Chambers who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Nineteenth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Wiltse asked unanimous consent to be excused at 11:00 a.m. for the remainder of the day. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 3, 1976, at 8:40 a.m., were the following bills: 37, 440, 495, 534, 535, and 583.

(Signed) Janet M. Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 248. Replaced on Select File as amended.
E & R amendments to LB 248:

1. In line 9 of the Barnett amendment to page 3, strike "Provided, that the" and insert "The".
2. In new section 11, line 1, strike "7" and insert "seven"; in lines 4, 6, and 7 strike "(1)"; in line 7 and lines 7 and 8 strike "as defined by this Act"; in line 10 strike "originally"; in line 12 strike "terms" and insert "appointments"; in line 13 strike "for a specified term and"; in line 14 strike ", but no appointive" and insert ". No"; and in line 21 insert a comma after "adopt".
3. In lieu of the F. Lewis amendment, on page 2, line 21, insert "Manufactured housing units shall be taxed as real estate." after the period.

LEGISLATIVE BILL 585. Replaced on Select File as amended.
E & R amendments to LB 585:

1. In the Duis amendments adopted 1/30, line 10, strike the comma.
2. On page 19 reinstate the stricken comma in line 15; and insert an underscored comma after the reinstated matter in line 16.

LEGISLATIVE BILL 460. Replaced on Select File as amended.
E & R amendment to LB 460:

1. In lieu of the Kelly amendment adopted 1/30, strike beginning with line 23 on page 11 through line 9 on page 12, and show as stricken; and on pages 12 and 13 as amended, renumber subdivisions (2) to (4) as (1) to (3) respectively.

LEGISLATIVE BILL 431. Replaced on Select File as amended.
E & R amendment to LB 431:

1. In the Stull amendments, page 1, line 4, strike "pawnbrokers" and insert "pawnbroker"; in line 5 strike "brokers" and insert "broker"; in line 5 insert a comma after "shall"; in line 9 insert a comma after "articles"; in line 12 strike ", agent, or dealer" and insert "or chattel loan broker"; in line 20 strike "pawnbrokers" and insert "personal property"; and in line 23 insert "to pawnbrokers or chattel loan brokers" after "articles".

LEGISLATIVE BILL 675. Placed on Select File.
LEGISLATIVE BILL 717. Placed on Select File.
LEGISLATIVE BILL 655. Placed on Select File.

LEGISLATIVE BILL 696. Placed on Select File as amended.
E & R amendments to LB 696:

1. On page 2, line 13, strike the comma and show as stricken.
2. On page 3, line 2, strike "revenues" and insert "~~revenues~~ revenue".
3. In the title, line 4, insert "to extend provisions to all counties;" after the semicolon.

LEGISLATIVE BILL 674. Placed on Select File as amended.
E & R amendments to LB 674:

1. On page 2, line 24, strike "and".
2. In committee amendment 1, line 2, strike ", and".
3. On page 4, line 13, strike "may (a)" and insert "(a) may"; and in line 15 as amended strike "shall (b)" and insert "(b) shall".
4. In the title, line 8, insert "to change duties and authority;" after the second semicolon.

LEGISLATIVE BILL 657. Placed on Select File.

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 275 and 299.

Correctly Engrossed

The following bill was correctly engrossed: 432.

Correctly Enrolled

The following bills were correctly enrolled: 219, 383, 425, 515, 521, 545, 584, 587, 596, 613, 614, 615, 616, 617, 618, 619, 620, and 621.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 219, 383, 425, 515, 521, 545, 584, 587, 596, 613, 614, 615, 616, 617, 618, 619, 620, and 621.

STANDING COMMITTEE REPORT

Public Works

LEGISLATIVE BILL 685. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

MOTION—Introduce Bill

Mr. Hasebroock moved the introduction of a new bill by the Committee on Nebraska Retirement Systems. (Req. 1472)

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILL OF FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 994. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Goodrich, 20th District; F. Lewis, 45th District; Luedtke, 28th District; Stull, 49th District.

A BILL FOR AN ACT to amend section 79-1032, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1044, 79-1056, 79-1056.01, 79-1056.02, and 79-1056.03, Revised Statutes Supplement, 1974, relating to schools; to provide retirement benefits for members of a retirement system in a Class V school district who retire or terminate their employment after August 31, 1976; to change the rate and amount of contributions as prescribed; and to repeal the original sections.

UNANIMOUS CONSENT—Hold LB 613

Speaker Burbach asked unanimous consent to hold LB 613 in the possession of the Legislature. No objections. So ordered.

MOTION–Reconsider Action on LB 613

Speaker Burbach moved to reconsider action on LB 613 on Final Reading.

The motion prevailed with 35 ayes, 0 nays and 14 not voting.

MOTION–Return LB 613 to Select File

Speaker Burbach moved to return LB 613 to Select File for the following specific amendment:
Strike the enacting clause.

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

NOTICE OF COMMITTEE HEARING
Education

LB 907	Tuesday, February 24, 1976 (Cancel)	
LB 803	Monday, March 1, 1976 (Cancel)	
LB 866	Monday, March 1, 1976 (Cancel)	
LB 816	Monday, March 1, 1976 (Cancel)	
LB 842	Tuesday, March 2, 1976 (Cancel)	
LB 785	Tuesday, March 2, 1976 (Cancel)	
LB 762	Monday, March 8, 1976 (Cancel)	
LB 803	Tuesday, February 17, 1976	1:30 p.m.
LB 866	Tuesday, February 17, 1976	1:30 p.m.
LB 842	Monday, February 23, 1976	1:30 p.m.
LB 785	Monday, February 23, 1976	1:30 p.m.
LB 816	Monday, February 23, 1976	1:30 p.m.
LB 983	Tuesday, February 24, 1976	1:30 p.m.
LB 762	Tuesday, February 24, 1976	1:30 p.m.

(Signed) F. Lewis, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Wiltse asked unanimous consent to print the following amendment to LB 348 in the Journal. No objections. So ordered.

Amendment to LB 348

1. In the committee amendment, line 4, insert
", or the height of either end thereof, by more than three
inches" after "height".

BILLS ON FINAL READING

The folliwng bills were read and put upon final passage:

LEGISLATIVE BILL 30.

A BILL FOR AN ACT to amend sections 79-1509, 79-1510, 79-1527, and 79-1537, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to change membership and termination provisions as prescribed; to require payment of required deposits to the Public Employees Retirement Board; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Cope
DeCamp
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Nichol
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 7:

Chambers
Clark
Dickinson
R. Lewis
Marvel
Murphy
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 30A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 30, Eighty-fourth Legislature, First Session, 1975.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Cope
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Nichol
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 1:

R. Lewis

Not voting, 6:

Chambers
Clark
DeCamp
Marvel
Murphy
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 180.

A BILL FOR AN ACT relating to agriculture; to create the Nebraska Soil Survey Fund; to specify sources of money for the fund; to declare intent; and to provide for expenditures from the fund.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Anderson
Burbach
Burrows
Carsten
Cope
DeCamp
Duis
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 8:

Barnett Bereuter Cavanaugh Dickinson Dworak
Fowler Mills Stoney

Not voting, 5:

Chambers Clark Fitzgerald Mahoney Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 180A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 180, Eighty-fourth Legislature, First Session, 1975.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Anderson Burbach Burrows Carsten Cope
DeCamp Duis George Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Koch Kremer F. Lewis R. Lewis Luedtke
Maresh Marsh Moylan Murphy Nichol
Rasmussen Rumery Savage Schmit Simpson
Skarda Stull Swigart Syas Warner
Wiltse

Voting in the negative, 8:

Barnett Bereuter Cavanaugh Dickinson Dworak
Fowler Mills Stoney

Not voting, 5:

Chambers Clark Fitzgerald Mahoney Marvel

A constitutional majority having voted in the affirmative, the bill was declared and passed and the title agreed to.

LEGISLATIVE BILL 310.

A BILL FOR AN ACT to amend section 76-526, Reissue Revised Statutes of Nebraska, 1943, relating to abstracters; to redefine unfair practices; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 9:

Burrows Clark Dworak Fitzgerald Marsh
Murphy Nichol Rumery Swigart

Voting in the negative, 31:

Barnett Bereuter Carsten Cavanaugh Cope
Dickinson Fowler George Goodrich Hasebroock
Johnson Kelly Kennedy Koch Kremer
F. Lewis R. Lewis Luedtke Mahoney Maresh
Marvel Mills Moylan Rasmussen Schmit
Simpson Skarda Stoney Stull Syas
Warner

Not voting, 9:

Anderson Burbach Chambers DeCamp Duis
Keyes Kime Savage Wiltse

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

Mr. Kelly moved to reconsider action on LB 310. The motion prevailed with 33 ayes, 9 nays and 7 not voting.

Voting in the affirmative, 31:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Clark DeCamp Dickinson
Dworak Fitzgerald Fowler George Goodrich
Hasebroock Kelly Kennedy Koch R. Lewis
Maresh Marsh Moylan Murphy Nichol
Rumery Schmit Skarda Swigart Warner
Wiltse

Voting in the negative, 16:

Cope	Johnson	Keyes	Kime	Kremer
F. Lewis	Luedtke	Mahoney	Marvel	Mills
Rasmussen	Savage	Simpson	Stoney	Stull
Syas				

Not voting, 2:

Chambers	Duis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agree to.

LEGISLATIVE BILL 454. Mr. Clark asked unanimous consent to hold LB 454 until an "A" bill has been introduced. No objections. So ordered.

LEGISLATIVE BILL 635. Mr. Hasebroock moved to return LB 635 to Select File for the following specific amendment:

In Sec. 2 relating to Sec. 81-8,275 strike after "produced," "including reorders as deemed necessary" and show the same as stricken

The motion prevailed with 41 ayes, 1 nay and 7 not voting.

LEGISLATIVE BILL 641. With Emergency.

A BILL FOR AN ACT to amend sections 84-1206, 84-1209, and 84-1214, Reissue Revised Statutes of Nebraska, 1943, relating to the Records Management Act; to provide for standards regarding the disposition of records; to require the designation of a records officer in each state agency; to provide for the review of records retention and disposition schedules by the state archivist; to require disposition of records according to such schedules; to provide duties; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis

R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 2:

Chambers
Fitzgerald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 651. With Emergency.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1975, as amended by section 1, Legislative Bill 4, Eighty-fourth Legislature, First Special Session, 1975, relating to taxation; to change the standard for setting the tax rates; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Barnett
Burbach
Burrows
Carsten
Cavanaugh
Clark
Cope
DeCamp
Duis
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kime
Kremer
Mahoney
Maresh
Marvel
Mills
Moylan
Rasmussen
Rumery
Savage
Schmit
Skarda
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 15:

Anderson
Bereuter
Dickinson
Dworak
Kennedy
Keyes
Koch
F. Lewis
R. Lewis
Luedtke
Marsh
Murphy
Nichol
Simpson
Stoney

Not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 713. With Emergency.

A BILL FOR AN ACT to amend section 60-310, Revised Statutes Supplement, 1974, relating to motor vehicle registrations; to provide the renewal period for 1976; to harmonize provisions; to repeal the original section, and also section 60-341, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald Fowler
George Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime Koch Kremer
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Mills Moylan Nichol Rasmussen
Rumery Savage Schmit Simpson Skarda
Stoney Stull Swigart Syas Warner
Wiltse

Voting in the negative, 0.

Not voting, 3:

Chambers F. Lewis Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

REFERENCE COMMITTEE REPORT

LB	**Committee**
994	Neb. Ret. Systems

(Signed) Eugene T. Mahoney, Chairman

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 660. Placed on General File.

LEGISLATIVE BILL 763. Placed on General File as amended.
Standing Committee amendment to LB 763:

1. On page 2, line 11, after "Nebraska" insert ". Subsequent to the effective date of this act, the Director of Banking may convey by rule or regulation all of the rights, powers, privileges, benefits, and immunities which may be promulgated for a federal savings and loan association doing business in Nebraska until the close of the next regularly scheduled legislative session".

LEGISLATIVE BILL 948. Placed on General File as amended.
Standing Committee amendments to LB 948:

1. On page 4, line 3, after "union" insert a period and strike the remainder of the line; strike line 4.
2. On page 5, line 17, after "unions" strike ", including"; and line 18, strike "provisional members".
3. On page 9, line 25, after "law" strike the remainder of the line; strike lines 26 and 27.
4. On page 10, line 27, after the period insert "Annual and special assessments shall be computed as part of the reserve requirements of a member credit union as provided in sections 21-17,104 and 21-1320, Reissue Revised Statutes of Nebraska, 1943.".

(Signed) J. R. Murphy, Chairman

NOTICE OF COMMITTEE HEARING

Public Health and Welfare

LB 974	Tuesday, Feb. 24, 1976	1:30 p.m.
LB 978	Tuesday, Feb. 24, 1976	1:30 p.m.

(Signed) Thomas C. Kennedy, Chairman

MOTION—Introduce Bill

Mr. F. Lewis moved the introduction of a new bill by the committee on Education. (Req. No. 1444)

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 995. By Education Committee: F. Lewis, 45th District, Chairman; George, 16th District; Koch, 12th District; Kremer, 34th District; Rumery, 42nd District; Kime, 43rd District; Fitzgerald, 14th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 85-107, Revised Statutes Supplement, 1974, relating to the University of Nebraska; to provide an additional college; and to repeal the original section.

SELECT FILE

LEGISLATIVE BILL 635. The Hasebroock specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 503. Mr. Fowler asked unanimous consent to bracket until February 10, 1976. No objections. So ordered.

LEGISLATIVE BILL 413. E & R amendments found in the Journal on page 487 for the Nineteenth Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 413 to Select File

Mr. Anderson moved to return LB 413 to Select File for the following specific amendment:

On line 11 of the Anderson amendment (1/29/76) strike the new matter, reinsert the old matter.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 413. The Anderson specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 117.

Introduced by Speaker Burbach, 19th District.

WHEREAS, general Revenue Sharing was established in 1972, the purpose of which was to allow local levels of government flexibility in application of federal funds; and

WHEREAS, the original purpose and benefits of Revenue Sharing have not changed; and

WHEREAS, local subdivisions of government are now in the budgeting process for the next fiscal year; and

WHEREAS, any cutback, delay, or change in formula would seriously impair the services to constituents at the local level; and

WHEREAS, it is necessary that the Congress act expeditiously to take the necessary action for continuing Revenue Sharing under existing guidelines and at existing levels; and

WHEREAS, the League of Nebraska Municipalities, the Nebraska County Officials Association, and the Governor's office are all on record supporting Revenue Sharing in its present form.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Congressional Delegation and The Honorable L. H. Fountain, Chairman of the Intergovernmental Relations and Human Resources Subcommittee of the House of Representatives of the United States, be notified that the Nebraska Legislature joins the other branches of government in support of Revenue Sharing in its present form and present amount.

Laid over.

LEGISLATIVE RESOLUTION 118.

Introduced by Speaker Burbach, 19th District.

WHEREAS, the Legislature has enacted legislation requiring that public buildings be so designed and constructed as to permit access thereto to physically handicapped persons; and

WHEEREAS, an international Access Symbol has been developed as a signal to the handicapped that a building bearing it is accessible to them; and

WHEREAS, the Nebraska Governor's Committee on Employment of the Handicapped is conducting a month-long campaign to familiarize the people with this little-known symbol.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

The Legislature supports this effort on behalf of Nebraska's handicapped citizens and urges the cooperation of all agencies of government, both state and local, private enterprise, and the news media in support of this campaign and in making appropriate use of the Access Symbol.

Laid over.

NOTICE OF COMMITTEE HEARING
Appropriations

LR 115 Monday, February 9, 1976 1:30 PM

(Signed) Richard D. Marvel, Chairman

GENERAL FILE

LEGISLATIVE BILL 579. Mr. F. Lewis asked unanimous consent to bracket until Friday, February 6, 1976. No objections. So ordered.

LEGISLATIVE BILL 488. Mr. Syas asked unanimous consent to bracket until Wednesday, February 11, 1976. No objections. So ordered.

LEGISLATIVE BILL 565. Mr. Fowler asked unanimous consent to bracket until Monday, March 15, 1976. No objections. So ordered.

LEGISLATIVE BILL 649. Title read. Considered.

Standing Committee amendments found in the Journal on page 331 for the Twelfth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 26 ayes, 6 nays and 17 not voting.

LEGISLATIVE BILL 629. Title read. Considered.

Standing Committee amendment found in the Journal on page 337 for the Twelfth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 628. Title read. Considered.

Standing Committee amendments found in the Journal on page 351 for the Thirteenth Day were considered.

Mr. Warner offered the following amendment to the Standing Committee amendments:

AMENDMENTS TO LB 628

1. In committee amendments, section 1, lines 3 and 4 strike "the effective date of this act" and insert "April 1, 1976,"; in line 4, strike "person shall operate a bicycle" and show as stricken; and in line 5 strike the new matter and insert "commercial dealer shall sell or offer to sell at retail any bicycle".

2. In committee amendments, section 2, reinstate the stricken matter and strike the new matter; strike line 3 as reinstated and insert:

"39-6,138.02. ~~Commencing January 1, 1976, no~~ On or after April 1, 1976, no commercial dealer shall sell or offer to sell at retail"; and in line 4 as reinstated strike "person shall sell" and show as stricken.

The amendment was adopted with 22 ayes, 15 nays and 12 not voting.

Standing Committee amendments pending, as amended.

RESOLUTIONS

LEGISLATIVE RESOLUTION 116. Read and considered.

LR 116 was adopted with 40 ayes, 0 nays and 9 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 565 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 565

1. On page 2, strike original sections 1 and 2, and insert:

"Section 1. That section 23-381, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. In the title strike lines 2 through 7 and insert:

"FOR AN ACT to repeal section 23-3181, Reissue Revised Statutes of Nebraska, 1943.".

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 935 Thursday, February 19, 1976 1:30 p.m.

(Signed) Maurice A. Kremer, Chairman

Government, Military and Veterans Affairs

LB 982	Thursday, February 12, 1976	1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

Labor

LB 988	Wednesday, February 25, 1976 Sup. Ct. Hrg. Rm.	1:30 p.m.
LB 989	Wednesday, February 25, 1976 Sup. Ct. Hrg. Rm.	1:30 p.m.

(Signed) Richard Maresh, Chairman

Nebraska Retirement Systems

LB 831	Friday, February 13, 1976 Room 1019	12:00 Noon
LB 971	Friday, February 13, 1976 Room 1019	12:00 Noon
LB 994	Friday, February 13, 1976 Room 1019	12:00 Noon

(Signed) W. H. Hasebroock, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
995	Education

(Signed) Eugene T. Mahoney, Chairman

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 568. Indefinitely postponed.
LEGISLATIVE BILL 601. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

Labor

LEGISLATIVE BILL 710. Placed on General File as amended.
Standing Committee amendment to LB 710:

1. On page 2, line 7, after "~~dollars~~" insert "one hundred dollars"; lines 8 and 9, strike the new matter; lines 12 and 13 reinstate the stricken matter.

(Signed) Richard Maresh, Chairman

[

MOTION–Withdraw LB 653

Mr. Moylan renewed his pending motion found in the Journal on page 488 for the Nineteenth Day to withdraw LB 653.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

MOTION–Rule Changes

Mr. DeCamp moved the adoption of the rule change to Rule 3, new section 25, found in the Journal on page 424 for the Sixteenth Day.

Mr. DeCamp asked unanimous consent to withdraw his motion at this time. No objections. So ordered.

Mr. DeCamp moved the adoption of the rule change to Rule 4, new section 4, found in the Journal on page 424 for the Sixteenth Day.

Mr. DeCamp offered the following amendment to the rule change:
Amend to read, "All resolutions, if amended,"

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

The rule change, as amended, was adopted with 30 ayes, 6 nays and 13 not voting.

VISITORS

The President introduced 8 children and sponsors from Fremont, Nebraska.

ADJOURNMENT

At 11:55 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, February 4, 1976.

Vincent D. Brown
Clerk of the Legislature

TWENTY-FIRST DAY—FEBRUARY 4, 1976

LEGISLATIVE JOURNAL

TWENTY-FIRST DAY—FEBRUARY 4, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 4, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

ROLL CALL

The roll was called and all members were present except Mr. Cavanaugh who was absent until 9:20 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twentieth Day was approved.

MESSAGE FROM THE GOVERNOR

February 2, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 175, 329, 386, 487, 569, and 586.

These bills were signed by me on February 2, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINIONS

Opinion No. 169
February 2, 1976

Re: LB 431

Dear Senator Goodrich:

This is in reply to your inquiry concerning the provisions of LB 431 which would amend section 69-204, R.R.S. 1943, dealing with the regulation of pawnbrokers and others.

With regard to the provisions of section 1 of LB 431, we submit herewith a copy of an opinion given by this office in 1974 in which we concluded that a similar provision did not raise any serious constitutional objections.

With regard to the Standing Committee amendment to section 2, which would require the return of property in the possession of the pawnbroker, and others, to the person from whom it was stolen upon a finding by the police that the property was stolen, we call to your attention the case of Wacksman v. Harrell, 174 Ohio St. 338, 189 N.E. 2d 146, in which the Supreme Court of Ohio was concerned with a city ordinance which would require the delivery of pawned articles to the police and, upon the hearing of the criminal case against the thief, delivery to the person from whom it was alleged to have been stolen. In holding that such an ordinance violates the constitutional rights of pawnbrokers, the court said that a pawnbroker is entitled to test ownership and possessory rights in a civil action if he so elects.

In our opinion, a determination of the ownership of property covered by section 2 of LB 431 is beyond the power and function of the police and is a matter for the civil courts, and it is doubtful that section 2 could be upheld if attacked on constitutional grounds.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Bernard L. Packett
Assistant Attorney General

BLP:ejg
enc.
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 170
February 3, 1976

Dear Senator DeCamp:

You have asked several questions regarding Legislative Bill 574 as it appears in its final form. We would note that in an opinion by our office dated January 20, 1976 we said that the bill in its then form was probably valid. You now ask whether or not several hypotheticals would be prohibited under the language of this bill. Since we last reviewed this act it has been amended so that nothing in the act would prohibit the training and use of dogs in hunting, the training and use of animals in rodeos, or the training of animals for show. The Legislature, recognizing the breadth of the act saw fit to exclude from its coverage certain activities. These exclusions, however, carry with them certain negative implications. One such implication is that anything not specifically excluded from the act is expressly covered. With this in mind we address ourselves to your specific hypotheticals.

You have asked whether or not the training of police dogs, attack dogs or guard dogs would be illegal under this proposed bill. Without more detail we cannot catigorically answer that hypothetical question, however, if the training of these dogs was for gain, and did involve one dog being encouraged to fight with another dog or animal the training of that dog would be in fact illegal under this proposed bill.

You have asked whether the mere raising of chickens used in cock fighting, although not used for cock fighting in this state, would be illegal. Section 2 of L.B. 574 prohibits any person from owning, possessing, keeping, or training any bird or animal for the purpose of having such bird or animal engaged in an exhibition of fighting. The crucial language in that section is "for the purpose of having such bird or animal engaged in exhibition of fighting". With that language in mind it appears quite clear that the mere raising and possession of chickens for the purpose of cock fighting even though to be conducted in another state is illegal and prohibited under this act.

You have asked whether it would be illegal under this proposed bill for a museum to possess any of the implements commonly known as gaffs, slashers, or any other sharp implement designed to be attached in place of the natural spur of a gamecock or other fighting bird. Section 3 of this proposed bill would seem to clearly prohibit that. The fact that it is a museum that possesses the item does not negate the illegal conduct or possession under this bill. If such were the case corporate museums could flaunt nearly any law that prohibit persons from certain defined conduct.

You have asked whether or not the practice of falconry would be prohibited under this proposed bill. If the practice of falconry involved one falcon preying upon another animal or bird it would appear to be quite clearly prohibited under this proposed bill. If the practice of falconry did not involve the use of one falcon to prey upon another bird or animal then it would perhaps not be prohibited under this act.

The language of L.B. 574 is quite broad and could conceivably prohibit any of the conduct or activities mentioned above. It should be pointed out, however, that the hypotheticals above discussed are vague in general and assume certain facts which may or may not be in existence. The discussion of these hypotheticals was merely intended to demonstrate the breadth of this particular piece of legislation. It was not intended to be an all inclusive or exclusive summary of the conduct prohibited under this bill.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Paul W. Snyder
Special Assistant Attorney General

PWS:pjf
cc: Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 171
February 2, 1976

Dear Senator Kennedy:

This is in reply to your inquiry of January 27, 1976, concerning LB 694.

You inquire as to possible conflicts between LB 694 and some other amendments before your committee which would mandate that a hearing be held before a final decision to transfer or discharge a mentally retarded person with provision for an appeal of the decision to the district court of the county wherein the parents or legal guardians reside. You do not state where the committee amendments require the first hearing to be held but point out that the Bill provides that the hearing is before the Director of Public Institutions.

The pertinent provisions of the Agreement incorporated into the Consent Decree by the Federal District Court provide in part as follows:

> "... The J.E.T. (Joint Evaluation Team) shall have as its primary and continuing function the evaluation of each member of the class to determine the appropriateness of the placement of each such person....The J.E.T. shall formulate a written, individualized evaluation and treatment plan and placement recommendation for each and every member of the plaintiff class. Any such evaluations currently in progress shall continue...." (Agreement paragraph seven)
>
> "Each person residing in any facility which serves members of the class and is subject to the provisions of this Decree shall have an annual evaluation to ascertain:

> a. Whether each is properly classified as mentally retarded;
>
> b. whether continued participation in State operated mental retardation services is in the best interest of each; and
>
> c. whether the appointment of a guardian is recommended due to a question of competency.
>
> If the parent or legal guardian of any such person objects to any of the above findings, a due process hearing, as provided for hereinafter, shall be held." (Agreement paragraph nineteen.)
>
> ". . . A hearing which meets the basic standards of due process, as defined herein, shall be held to insure that such objecting views of parents and guardians are heard and that the placement to be made is in the best interest of the member of the class, commensurate with his needs and his constitutional rights to receive adequate care and habilitation in that setting least restrictive of his personal liberty." (Amendment paragraph twenty-two)

The Agreement does not specifically state before whom the hearing is to be had and presumably the Director of Public Institutions may be determined to be a proper person; however, upon objection by any parties, or the parents, as to the Director being the hearing officer, it is conceivable that the Federal Court would designate some other person to be the hearing officer. Under these circumstances, there may be a conflict between the Consent Decree and the proposed legislation in LB 694.

The Consent Decree further provides that the Federal District Court shall retain jurisdiction of the case and that any parties may present any future grievances to the court for disposition. Conceivably, someone dissatisfied with the due process hearing for parents above referred to could ask the Federal District Judge to reconsider the placement or proposed treatment of the resident. If so, this would conflict with the provision for appeal to the State District Court.

It should be emphasized that the Federal District Court by previous orders entered by it and the Consent Decree is proceeding under its determination that the provisions required by the Agreement and the Consent Decree are required by or consistent with rights granted by the United States Constitution. The defendants have consistently by way of Motions to Dismiss, Motions for Summary Judgment and other objections resisted the determination by the Federal District Court that it had jurisdiction. However, so long as the matter is pending in the Federal District Court, the position of the defendants in this regard is dormant.

After you have had an opportunity to review these matters, please contact us if we can be of any further assistance.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ss
Enc.
cc: Mr. Vincent D. Brown
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 981	Monday, February 9, 1976 Room 2230	1:30 p.m.
LB 809	Tuesday, February 17, 1976 Room 2230	1:30 p.m.
LB 991	Tuesday, February 17, 1976 Room 2230	1:30 p.m.

(Signed) J. R. Murphy, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 4, 1976, at 8:40 a.m., were the following bills: 615, 616, 617, 587, 596, 614, 521, 545, 584, 515, 425, 383, 219, 618, 619, 620, and 621.

(Signed) Janet Loder, Enrolling Clerk

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 33. Placed on General File.
LEGISLATIVE BILL 40. Indefinitely postponed.
LEGISLATIVE BILL 64. Indefinitely postponed.
LEGISLATIVE BILL 358. Indefinitely postponed.

(Signed) W. H. Hasebroock, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 635. Replaced on Select File as amended.
E & R amendment to LB 635:

1. On page 2, line 20, strike the comma and show as stricken and insert an underscored period; and in line 21 strike the period and show as stricken.

LEGISLATIVE BILL 413. Replaced on Select File as amended.
E & R amendment to LB 413:
1. In line 4 of E & R 3, insert a comma after "sought".

Correctly Enrolled

The following bills were correctly enrolled: 30, 30A, 180, 180A, 310, 641, 651, and 713.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 30, 30A, 180, 180A, 310, 641, 651, 713 and LR 116.

MOTION—Return LB 348 to Select File

Mr. Wiltse moved to return LB 348 to Select File for the specific amendment found in the Journal on page 513 for the Twentieth Day.

The motion prevailed with 36 ayes, 0 nays and 13 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 382.

A BILL FOR AN ACT to amend section 77-2734, Revised Statutes Supplement, 1975, relating to taxation; to change what constitutes net income for the purpose of computing the franchise or income tax levied on cooperatives; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson
Clark
Dworak
Bereuter
Cope
Fitzgerald
Burrows
DeCamp
Fowler
Carsten
Dickinson
George
Chambers
Duis
Hasebroock

Johnson Kelly Kennedy Keyes Kime
Kremer F. Lewis R. Lewis Mahoney Maresh
Marsh Marvel Mills Moylan Nichol
Rasmussen Rumery Savage Schmit Skarda
Stoney Stull Swigart Warner Wiltse

Voting in the negative, 4:

Koch Luedtke Murphy Syas

Not voting, 5:

Barnett Burbach Cavanaugh Goodrich Simpson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 441. With Emergency.

A BILL FOR AN ACT to amend section 17-515, Reissue Revised Statutes of Nebraska, 1943, and section 17-107, Revised Statutes Supplement, 1974, relating to cities of the second class and villages; to require approval of the city council for removal of officers; to provide for the acceleration of assessments in cases of delinquency; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Bereuter Burbach Burrows Carsten Chambers
Clark Cope DeCamp Dickinson Duis
Fitzgerald Fowler George Hasebroock Johnson
Kennedy Keyes Koch Kremer F. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Mills Moylan Rasmussen Savage Schmit
Simpson Skarda Stoney Stull Swigart
Syas Warner Wiltse

Voting in the negative, 6:

Anderson Barnett Dworak Kelly Nichol
Rumery

Not voting, 5:

Cavanaugh
Goodrich
Kime
R. Lewis
Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 499. Mr. Savage moved to bracket until February 11, 1976. The motion prevailed with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 514. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Poultry and Egg Resources Act; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Chambers
Clark
Cope
DeCamp
Dickinson
Fitzgerald
Fowler
George
Hasebroock
Johnson
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 3:

Cavanaugh
Dworak
Kelly

Not voting, 4:

Duis
Goodrich
Marvel
Savage

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 561.

A BILL FOR AN ACT to change the names of the Department of Banking and the Director of Banking to Department of Banking and Finance and Director of Banking and Finance respectively: to name a special fund; to amend section 81-301, Reissue Revised Statutes of Nebraska, 1943, sections 8-601, 8-602, 81-101, and 81-102, Revised Statutes Supplement, 1974, and section 8-101, Revised Statutes Supplement, 1975; to provide duties for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Koch	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Wiltse				

Voting in the negative, 2:

Cavanaugh	F. Lewis

Not voting, 1:

Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 574. Mr. DeCamp moved to return LB 574 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. DeCamp asked unanimous consent to withdraw his motion.

Mr. Chambers objected.

Mr. Chambers withdrew his objection.

The motion was withdrawn.

Mr. Stoney moved to bracket LB 574 until February 11, 1976.

Mr. Stoney requested a roll call vote.

Voting in the affirmative, 24:

Anderson
Bereuter
Carsten
Cavanaugh
Chambers
Cope
Dickinson
Dworak
Fitzgerald
Fowler
George
Hasebroock
Kelly
Kennedy
Koch
Kremer
Maresh
Murphy
Rumery
Schmit
Stoney
Swigart
Syas
Warner

Voting in the negative, 24:

Barnett
Burbach
Clark
DeCamp
Duis
Goodrich
Johnson
Keyes
Kime
F. Lewis
R. Lewis
Luedtke
Mahoney
Marsh
Marvel
Mills
Moylan
Nichol
Rasmussen
Savage
Simpson
Skarda
Stull
Wiltse

Not voting, 1:

Burrows

The motion lost with 24 ayes, 24 nays and 1 not voting.

LEGISLATIVE BILL 574. With Emergency.

A BILL FOR AN ACT relating to crimes and punishments; to make bird and animal fights illegal; to make certain acts unlawful as prescribed; to provide enforcement procedures; to provide penalties; to repeal section 28-561, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. Chambers requested a roll call vote instead of a machine vote.

Voting in the affirmative, 19:

Anderson
Bereuter
Chambers
Cope
Dickinson
Fitzgerald
Fowler
George
Hasebroock
Kelly

Kennedy Keyes Koch Kremer Marvel
Mills Stoney Swigart Syas

Voting in the negative, 28:

Barnett Burbach Carsten Clark DeCamp
Duis Dworak Goodrich Johnson Kime
F. Lewis R. Lewis Luedtke Mahoney Maresh
Marsh Moylan Murphy Nichol Rasmussen
Rumery Savage Schmit Simpson Skarda
Stull Warner Wiltse

Not voting, 2:

Burrows Cavanaugh

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 19:

Anderson Bereuter Chambers Cope Dickinson
Fitzgerald Fowler George Hasebroock Kelly
Kennedy Keyes Koch Kremer Marvel
Mills Stoney Swigart Syas

Voting in the negative, 28:

Barnett Burbach Carsten Clark DeCamp
Duis Dworak Goodrich Johnson Kime
F. Lewis R. Lewis Luedtke Mahoney Maresh
Marsh Moylan Murphy Nichol Rasmussen
Rumery Savage Schmit Simpson Skarda
Stull Warner Wiltse

Not voting, 2:

Burrows Cavanaugh

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 581. With Emergency.

A BILL FOR AN ACT to amend sections 83-474.01 and 83-914, Revised Statutes Supplement, 1974, and Laws 1975, LB 605, section 10, relating to the Department of Correctional Services; to change a cash fund to a revolving fund; to clarify provisions; to provide for a transfer of funds; to increase the maximum amount in the emergency revolving funds; to increase an appropriation; to authorize a revolving fund for the central office; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 1:

F. Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 640. With Emergency.

A BILL FOR AN ACT to amend section 24-721, Revised Statutes Supplement, 1974, relating to the Commission on Judicial Qualifications; to provide when testimony or the production of evidence may be compelled; to provide immunity; to provide contempt powers; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Anderson
Barnett
Bereuter
Burbach
Carsten

Cavanaugh Chambers Cope Duis Dworak
Fitzgerald Fowler George Goodrich Hasebroock
Johnson Koch Kremer F. Lewis Luedtke
Mahoney Maresh Marsh Mills Moylan
Murphy Nichol Rumery Savage Schmit
Simpson Stoney Swigart Syas Warner
Wiltse

Voting in the negative, 10:

Clark Dickinson Kelly Kennedy Kime
R. Lewis Marvel Rasmussen Skarda Stull

Not voting, 3:

Burrows DeCamp Keyes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects Committee

LB 986	Thursday, February 12, 1976	1:30 p.m.
LB 956	Friday, February 13, 1976	1:30 p.m.
LB 993	Friday, February 13, 1976	1:30 p.m.
LB 987	Thursday, February 26, 1976	12:30 p.m.

(Signed) Gary L. Anderson, Chairman

SELECT FILE

LEGISLATIVE BILL 348. The Wiltse specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Barnett requested a record vote on advancing to E & R for Re-Engrossment.

Mr. Wiltse moved for a Call of the House. The motion prevailed with 19 ayes, 12 nays and 18 not voting.

The Call showed 49 members present.

Mr. Wiltse requested a roll call vote.

Voting in the affirmative, 31:

Bereuter
Burbach
Carsten
Chambers
Cope
Dickinson
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
Mahoney
Maresh
Marsh
Moylan
Murphy
Nichol
Savage
Schmit
Simpson
Skarda
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 17:

Anderson
Barnett
Burrows
Cavanaugh
Clark
Duis
Dworak
Fitzgerald
Fowler
F. Lewis
R. Lewis
Luedtke
Marvel
Mills
Rasmussen
Rumery
Stoney

Not voting, 1:

DeCamp

Advanced to E & R for Re-Engrossment with 31 ayes, 17 nays and 1 not voting.

Mr. Swigart moved the Call be raised. The motion prevailed.

LEGISLATIVE BILL 613. The Burbach specific amendment found in the Journal on page 513 for the Twentieth Day to strike the enacting clause was adopted with 28 ayes, 0 nays and 21 not voting.

LB 613 stands indefinitely postponed.

LEGISLATIVE BILL 248. E & R amendments found in the Journal on page 510 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 585. E & R amendments found in the Journal on page 510 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 460. E & R amendments found in the Journal on page 510 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 431. E & R amendment found in the Journal on page 511 for the Twentieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 675. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 717. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 655. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 696. E & R amendments found in the Journal on page 511 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 674. E & R amendments found in the Journal on page 511 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 657. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Members Excused

Mr. Kennedy asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

Mrs. Marsh asked unanimous consent to be excused at 10:40 a.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 628. Considered.

Standing Committee amendments found in the Journal on page 351 for the Thirteenth Day were considered, as amended.

Mr. Warner moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

Mr. Kremer moved the Call be raised. The motion prevailed.

Standing Committee amendments were adopted, as amended, with 28 ayes, 13 nays and 8 not voting.

Mr. Barnett moved to reconsider action on the adoption of the Standing Committee amendments, as amended.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 13 nays and 17 not voting.

The Barnett motion to reconsider action lost with 15 ayes, 21 nays and 13 not voting.

Mr. Barnett requested a record vote on advancing LB 628 to E & R for Review.

Voting in the affirmative, 29:

Anderson
Bereuter
Burbach
Cope
Fowler
George
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kime
Kremer
F. Lewis
Luedtke
Mahoney
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Skarda
Swigart
Syas
Warner
Wiltse

Voting in the negative, 9:

Barnett
Burrows
Dickinson
Dworak
Kelly
Maresh
Marvel
Simpson
Stull

Not voting, 11:

Carsten
Cavanaugh
Chambers
Clark
DeCamp
Duis
Fitzgerald
Koch
R. Lewis
Marsh
Stoney

Advanced to E & R for Review with 29 ayes, 9 nays and 11 not voting.

LEGISLATIVE BILL 519. Title read. Considered.

Mr. Schmit moved to reject the Standing Committee amendments found in the Journal on page 1129 for the Fifty-fifth Day, First Session.

The motion prevailed with 26 ayes, 1 nay and 22 not voting, the Standing Committee amendments were rejected.

Mr. Schmit renewed his pending amendment found in the Journal on page 411 for the Fifteenth Day.

Mr. Murphy offered the following amendment to the Schmit amendment:
Amend the Schmit amendment to LB 519 found on page 411 of the Journal, on line 5, strike the word "new".

The amendment was adopted with 17 ayes, 13 nays and 19 not voting.

Mr. Rasmussen offered the following amendment to the Schmit amendment:

Line 3 – comma after the word shall and insert "by a majority vote of the people".

The amendment lost with 14 ayes, 15 nays and 20 not voting.

Mr. Simpson offered the following amendment to the Schmit amendment:

Strike the words "or without" in line 7 of the Schmit amendment.

Amendment pending.

Mr. Kelly moved to bracket LB 519. The motion lost with 7 ayes, 14 nays and 28 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 118. Read and considered.

LR 118 was adopted with 32 ayes, 0 nays and 17 not voting.

STANDING COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 697. Placed on General File as amended.
Standing Committee amendments to LB 697:

1. On page 3 after line 16 insert a new section as follows:

"Sec. 3. That section 24-513, Revised Statutes Supplement, 1975, be amended to read as follows:

24-513. As soon as the same may be legally paid under the Constitution of Nebraska, each county judge shall receive an annual salary of ~~twenty-four~~ twenty-five thousand four hundred forty dollars per year, except that each county judge in a county judge district having a population of one hundred fifty thousand or more according to the latest federal census shall receive an annual salary of ~~twenty-nine~~ thirty thousand seven hundred forty dollars per year. Each county in its respective district having a population of one hundred fifty thousand inhabitants or more, according to the most recent federal decennial census, may pay to each county judge serving within the judicial district a supplemental salary of two thousand five hundred dollars per annum. The county board shall decide by a majority vote of all members elected whether the county judges serving within the county shall receive such supplemental salary. If the county board votes in favor of such supplemental salary, it shall be payable as other salaries in such county out of the county treasury in addition to the salary paid to the county judges out of the state treasury, and such salaries shall be payable in equal monthly installments. Judges of the county court shall be considered to be of the same class and when one member of the class, as a judge of the county court, is entitled to a raise in salary, all members of the class shall be entitled to such raise in salary. All county judges shall be compensated for necessary travel expenses in the same manner as judges of the district court. Salaries of associate county judges, clerks, and other employees of the court shall be set by the county judges, subject to the conditions of this section. When the county clerk serves as clerk of the county court, he shall receive one thousand dollars annually for such duties, in addition to the salary established pursuant to law for the county clerk. When the county clerk also serves as an associate county judge, he shall receive a minimum additional salary of one thousand dollars annually for such duties. The minimum salary for an associate county judge shall be twenty-four hundred dollars annually, but this minimum shall not apply to associate county judges appointed to serve on a pro tempore basis. The maximum salary for an associate county judge shall be three-fourths of the salary of a county judge, and this limitation shall apply when the same person is both associate county judge and clerk of the county court. In setting salaries for associate county judges, the county judges shall consider the caseload for the associate county judge and the amount of time he will actually be engaged in his duties. Salaries of associate county judges must be approved by the Supreme Court.".

2. On page 5, line 3 after "to" strike "3" and insert "4"; line 5 after "Section" strike "4" and insert "5"; line 9 after the second comma insert "and section 24-513, Revised Statutes Supplement, 1975,".

3. Renumber original sections 3 to 6 as sections 4 to 7 respectively.

LEGISLATIVE BILL 718. Advanced to General File.
LEGISLATIVE BILL 679. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 689. Placed on General File as amended.
Standing Committee amendments to LB 689:

1. On page 2, line 21, strike "Deputy" and insert "Chief deputy"; and in line 26, strike "or supervisor".

2. On page 4, line 12, strike "and". Strike the period in line 14, and insert "; and"; and insert a new subdivision as follows: "(j) Chief

deputies of all elected officials."; in line 15, insert "(1)" before "After"; in line 16, insert "not less than sixty thousand nor more than" after "of", in line 17, strike "or less"; in line 18 strike "county board", and insert "classified employees"; in line 19, insert "the county board by resolution" after the comma and insert new subsections 2, 3, and 4 after line 20 as follows:

"(2) The county board of commissioners shall instruct the election commissioner to hold an election of the classified employees on the second Tuesday after the first Monday of June following the passage of this act to determine by a majority vote if the classified employees wish to establish a civil service commission.

(3) Each year, if ten per cent of the classified employees petition the election commissioner, he shall hold an election to determine whether the commission shall be retained.

(4) Within five days following such elections, the election commissioner shall certify to the county board the results of the elections.".

3. On page 4, line 25 strike "a member", and insert "an officer".

4. On page 5, strike beginning with "(a)" in line 3 through the semicolon in line 9 and insert "(a) One member of the county board elected by the members of the county board and one elected official from the offices of clerk, assessor, treasurer, register of deeds, clerk of the district court, county attorney, public defender, sheriff, superintendent of schools and surveyor elected by the elected officials from these offices, who shall be registered in differenct (sic) political parties, if possible;"; in line 10, insert "employees" after "service"; in line 11, insert after "parties", "but who shall not be from the same department"; and strike beginning with "(c)" in line 12 through the period in line 14 and insert "(c) One public member holding no public or political office to be elected by the elected officials of the county.".

5. On page 6, strike beginning with "or" in line 6 through "successor" in line 7, and insert ", the election commissioner shall hold an election within ten days to elect a successor in the same manner as his predecessor was elected".

6. On page 8, line 26, strike "commission" and insert "employee".

7. On page 9, strike beginning with

"Sec." through the period on page 10, line 9.

8. On page 10, line 13, strike "commission" and insert "elected official"; and in line 23, strike "subpoena witnesses".

9. Renumber original sections 13 to 18 as sections 12 to 17 respectively.

10. Add a new section 18 as follows:

"Sec. 18. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Dennis L. Rasmussen, Chairman

MOTION—Introduce Bill

Mr. Carsten moved the introduction of a new bill by the committee on Revenue. (Req. No. 1482)

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 996. By Revenue Committee: Carsten, 2nd District, Chairman; Cope, 36th District; Keyes, 3rd District; Dickinson, 31st District; Rasmussen, 41st District; Skarda, 7th District; Dworak, 22nd District; Mahoney, 5th District.

A BILL FOR AN ACT to amend sections 77-2708 and 77-2709, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change and provide penalty provisions as prescribed; and to repeal the original sections.

REFERENCE COMMITTEE REPORT

LB	**Committee**
996	Revenue

(Signed) Eugene T. Mahoney, Chairman

MOTION—Rule Changes

Mr. DeCamp offered the following rule changes:

Rule 5, section 1. Drafting of Bills. The bill drafter shall prepare all bills and amendments in proper form when requested by members of the

Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the bill drafter. In order to shorten the length of sections, the bill drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The bill drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the bill drafter unless requested or authorized by a member of the Legislature.

Rule 3, section 18 (c) iii. When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard ~~emergency~~ clause or section and make the necessary change in the title, the chairman of Enrollment and Review shall also have the authority to add to the engrossed bill the standard ~~emergency~~ clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his reports and recommendations to the Legislature or making any special record thereof.

Referred to the Rules Committee.

UNANIMOUS CONSENT—Print in Journal

Mr. Murphy asked unanimous consent to print the following amendment to LB 660 in the Journal. No objections. So ordered.

1. On page 4, line 4, after "participate" insert "by agreement".

Mr. Murphy asked unanimous consent to print the following amendment to LB 948 in the Journal. No objections. So ordered.

1. On page 11, line 14 after the period insert "Any such assessment, except as otherwise provided in this section, shall be collected at such time as the member credit union is in sound financial condition, and under such conditions as the board of directors may direct.".

VISITORS

The President introduced former Senator Wayne Ziebarth from Wilcox, Nebraska and former Senator Ted Reeves of Central City, Nebraska.

ADJOURNMENT

At 12:05 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, February 5, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 5, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, our Father, history and experience have given us so many evidences of Thy guidance to nations and to individuals that we should not doubt thy power or thy willingness to direct us.
>
> Give us the faith to believe that when God wants us to do or not to do any particular thing, God finds a way of letting us know it.
>
> May we not make it more difficult for Thee to guide us, but be willing to be led of Thee, that Thy will may be done in us and through us for the good of our state and us all. This we ask in Jesus' name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. DeCamp who was excused; Messrs. Anderson and Cavanaugh who were absent until 9:20 a.m.; and Mr. F. Lewis who was absent until 9:35 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-first Day was approved.

UNANIMOUS CONSENT—Members Excused

Mr. DeCamp asked unanimous consent to be excused today and tomorrow. No objections. So ordered.

Mr. Nichol asked unanimous consent to be excused February 9, 1976 and February 10, 1976. No objections. So ordered.

Mr. Skarda asked unanimous consent to be excused Friday, February 6, 1976. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 629. Placed on Select File.

LEGISLATIVE BILL 649. Placed on Select File as amended.
E & R amendments to LB 649:

1. Committee amendment 1 having removed all amendatory matter therefrom, strike section 1 and renumber original sections 2 to 4 as sections 1 to 3.
2. In lieu of the committee amendment to page 6, line 7, on page 4, line 22, insert "group" after "such" and "as defined in section 44-760" after "policy".
3. On page 6, line 4, strike "a" and insert "an".
4. On page 7, line 4, strike "sections 44-710.01 and" and insert "section"; and in line 5 strike "are" and insert "is".
5. In the title, line 2, strike "sections 44-710.01 and" and insert "section"; and in line 7 strike "sections" and insert "section".

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 348.

Correctly Engrossed

The following bills were correctly engrossed: 248, 655, 657, 675, and 717.

Correctly Enrolled

The following bills were correctly enrolled: 382, 441, 514, 561, 581, and 640.

(Signed) Donald N. Dworak, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 5, 1976, at 9:00 a.m., were the following bills: 651, 713, 30, 30A, 180, 180A, 310, and 641.

(Signed) Janet M. Loder, Enrolling Clerk

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 382, 441, 514, 561, 581, 640 and LR 118.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 91.

A BILL FOR AN ACT to adopt the Uniform Standard Code for Mobile Home Parks.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barnett
Bereuter
Burbach
Carsten
Chambers
Clark
Cope
Duis
Dworak
Fitzgerald
Fowler
George
Hasebroock
Kelly
Keyes
Koch
Kremer
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Simpson
Skarda
Stoney
Swigart
Syas
Warner
Wiltse

Voting in the negative, 1:

Stull

Not voting, 12:

Anderson
Burrows
Cavanaugh
DeCamp
Dickinson
Goodrich
Johnson
Kennedy
Kime
F. Lewis
R. Lewis
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 120.

A BILL FOR AN ACT to amend sections 17-203.01, 19-621, 23-343.25, 32-4,147, 32-505, 32-530, and 79-2203, Reissue Revised Statutes of Nebraska, 1943, and sections 79-426.19, 79-701, and 79-706, Revised

Statutes Supplement, 1974, relating to elections; to provide for a September primary election; to provide for voting the ballot of either political party; to provide an operative date; and to repeal the original sections, and also section 19-434, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 10:

Anderson
Fitzgerald
Barnett
Koch
Bereuter
Mahoney
Burrows
Mills
Chambers
Stoney

Voting in the negative, 36:

Burbach
Duis
Hasebroock
Kime
Marsh
Rasmussen
Skarda
Wiltse
Carsten
Dworak
Johnson
Kremer
Marvel
Rumery
Stull
Clark
Fowler
Kelly
R. Lewis
Moylan
Savage
Swigart
Cope
George
Kennedy
Luedtke
Murphy
Schmit
Syas
Dickinson
Goodrich
Keyes
Maresh
Nichol
Simpson
Warner

Not voting, 3:

Cavanaugh
DeCamp
F. Lewis

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 477. Mr. Chambers moved to return LB 477 to Select File for the following specific amendment:
Page 2, line 7: strike "thirty" and insert "eighteen"
line 10: strike "twenty-four" and insert "eighteen"

The motion lost with 18 ayes, 23 nays and 8 not voting.

LEGISLATIVE BILL 477.

A BILL FOR AN ACT to amend sections 45-137 and 45-138, Reissue Revised Statutes of Nebraska, 1943, relating to installment loans; to increase the maximum amount, minimum interest rate, and period for repayment of such loans; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Burbach
Carsten
Clark
Cope
Dickinson
Duis
Dworak
Fitzgerald
Goodrich
Hasebroock
Johnson
Kelly
Kime
Koch
Kremer
Luedtke
Mahoney
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Skarda
Stoney
Swigart
Syas
Wiltse

Voting in the negative, 13:

Anderson
Barnett
Bereuter
Burrows
Cavanaugh
Chambers
Fowler
George
Keyes
R. Lewis
Maresh
Stull
Warner

Not voting, 5:

DeCamp
Kennedy
F. Lewis
Marsh
Simpson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 177. With Emergency.

A BILL FOR AN ACT to amend sections 8-403.03, 8-435, 8-439, and 8-820, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to change directors' qualifications; to change interest provisions on installment loans as prescribed; to permit additional kinds of security; to provide additional expenses borrowers may be required to pay; to extend the loan repayment period; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. Luedtke requested a roll call vote.

Voting in the affirmative, 31:

Barnett
Burbach
Carsten
Clark
Cope
Dickinson
Duis
Dworak
Fitzgerald
Goodrich
Hasebroock
Johnson
Koch
F. Lewis
Luedtke

Mahoney
Marsh
Mills
Moylan
Murphy
Nichol
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Wiltse

Voting in the negative, 17:

Anderson
Bereuter
Burrows
Cavanaugh
Chambers
Fowler
George
Kelly
Kennedy
Keyes
Kime
Kremer
R. Lewis
Maresh
Marvel
Rasmussen
Warner

Not voting, 1:

DeCamp

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 29:

Burbach
Carsten
Clark
Cope
Dickinson
Duis
Dworak
Fitzgerald
Goodrich
Hasebroock
Johnson
Koch
F. Lewis
Luedtke
Mahoney
Marsh
Mills
Murphy
Nichol
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Wiltse

Voting in the negative, 17:

Anderson
Barnett
Bereuter
Burrows
Cavanaugh
Chambers
Fowler
Kelly
Kennedy
Keyes
Kime
Kremer
R. Lewis
Maresh
Marvel
Rasmussen
Warner

Not voting, 3:

DeCamp
George
Moylan

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 266. Mr. Chambers moved to return LB 266 to Select File for the following specific amendment:
Strike the enacting clause.

The motion lost with 17 ayes, 28 nays and 4 not voting.

LEGISLATIVE BILL 266. With Emergency.

A BILL FOR AN ACT relating to tuition credit; to provide for tuition credit for members of the Active Selected Reserve as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 30:

Burbach
Carsten
Clark
Cope
Duis
Fitzgerald
George
Goodrich
Hasebroock
Johnson
Kime
Koch
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Simpson
Stoney
Stull
Swigart
Warner
Wiltse

Voting in the negative, 18:

Anderson
Barnett
Bereuter
Burrows
Cavanaugh
Chambers
Dickinson
Dworak
Fowler
Kelly
Kennedy
Keyes
R. Lewis
Marvel
Mills
Schmit
Skarda
Syas

Not voting, 1:

DeCamp

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?' "

Voting in the affirmative, 30:

Barnett
Burbach
Carsten
Clark
Cope
Duis
Fitzgerald
George
Goodrich
Hasebroock
Johnson
Kime
Koch
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Simpson
Stoney
Stull
Swigart
Warner
Wiltse

Voting in the negative, 17:

Anderson	Bereuter	Burrows	Cavanaugh	Chambers
Dickinson	Dworak	Fowler	Kelly	Kennedy
Keyes	R. Lewis	Marvel	Mills	Schmit
Skarda	Syas			

Not voting, 2:

DeCamp	Kremer

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 339. Mr. Cavanaugh moved to return LB 339 to Select File for the following specific amendment:

Page 2 line 15 strike "by resolution of it's governing body"

After Authorized on page 2 line 15 add "after a vote of the people.

MR. MAHONEY PRESIDING

The motion lost with 15 ayes, 28 nays and 6 not voting.

Mr. Mills moved to return LB 339 to Select File for the following specific amendment:

On page 2 line 18 strike three and insert five line 27 strike six and insert two.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?"

The motion lost with 19 ayes, 28 nays and 2 not voting.

The Mills motion lost with 8 ayes, 35 nays and 6 not voting.

Mr. Cavanaugh moved to return LB 339 to Select File for the following specific amendment:

Page 5 line 6 strike "or the Committee"
Page 5 line 6 after County add "Board"
Page 5 strike line 9 through 27
Page 6 strike line 1 though 5
Page 5 line 9 add new section 9

"The County Board may appoint and fix the Compensation of such staff as it deems necessary to carry out the purposes of this Act.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?' " The motion prevailed with 31 ayes, 0 nays and 18 not voting.

The Cavanaugh motion lost with 15 ayes, 23 nays and 11 not voting.

Mr. Cavanaugh moved to return LB 339 to Select File for the following specific amendment:

Page 6 strike line 3 through 5

The Cavanaugh motion lost with 16 ayes, 23 nays and 10 not voting.

Mr. Mills moved to return LB 339 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Mills asked unanimous consent to withdraw his motion.

Mr. Cope objected.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?' " The motion prevailed with 34 ayes, 6 nays and 9 not voting.

The Mills motion lost with 19 ayes, 23 nays and 7 not voting.

LEGISLATIVE BILL 339.

A BILL FOR AN ACT relating to taxation; to authorize counties to impose a sales tax on lodging; to provide definitions; to provide for the collection of such tax; to prescribe the use of the proceeds; to provide for a convention and visitor committee; to provide procedures; and to provide penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Anderson Carsten Cope Dickinson Duis
George Goodrich Hasebroock Johnson Keyes
Kime Koch Kremer F. Lewis Luedtke
Mahoney Marsh Moylan Rumery Savage
Skarda Stoney Stull Swigart Syas

Voting in the negative, 23:

Barnett Bereuter Burbach Burrows Cavanaugh
Chambers Clark Dworak Fitzgerald Fowler

Kelly Kennedy R. Lewis Maresh Marvel
Mills Murphy Nichol Rasmussen Schmit
Simpson Warner Wiltse

Not voting, 1:

DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 445.

A BILL FOR AN ACT to amend section 18-2101.01, Reissue Revised Statutes of Nebraska, 1943, relating to community development; to grant certain powers and authorities; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Anderson Barnett Bereuter Burrows Carsten
Cavanaugh Chambers Clark Cope Duis
Fitzgerald Fowler George Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Koch Kremer F. Lewis Luedtke Maresh
Marsh Mills Moylan Nichol Rumery
Simpson Stoney Stull Swigart Warner
Wiltse

Voting in the negative, 9:

Burbach Dworak R. Lewis Mahoney Rasmussen
Savage Schmit Skarda Syas

Not voting, 4:

DeCamp Dickinson Marvel Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 502.

A BILL FOR AN ACT relating to loans; to establish provisions governing escrow accounts as prescribed; and to provide penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 1:

DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 536. With Emergency.

A BILL FOR AN ACT to amend section 2-316, Uniform Commercial Code, relating to implied warranties on sales; to provide that with respect to sales of cattle, hogs, and sheep there shall be no implied warranty of disease-free condition; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
Duis

Dworak Fitzgerald Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Kime Kremer
F. Lewis R. Lewis Luedtke Mahoney Maresh
Marsh Moylan Nichol Rasmussen Rumery
Savage Schmit Simpson Skarda Stull
Swigart Syas Warner Wiltse

Voting in the negative, 3:

Dickinson Koch Stoney

Not voting, 7:

Anderson DeCamp George Keyes Marvel
Mills Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 622. With Emergency.

A BILL FOR AN ACT to amend sections 64-101, 76-217.02, 76-217.03, 76-217.04, and 76-217.05, Reissue Revised Statutes of Nebraska, 1943, and section 64-211, Revised Statutes Supplement, 1975, relating to acknowledgments; to reduce the minimum age for notaries; to provide that acknowledgments shall be taken only by notaries public; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Clark Cope
Dickinson Duis Fitzgerald Fowler George
Goodrich Hasebroock Johnson Keyes Kime
Koch F. Lewis R. Lewis Luedtke Mahoney
Maresh Marsh Mills Moylan Murphy
Nichol Rasmussen Rumery Savage Schmit
Simpson Skarda Stoney Stull Swigart
Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 6:

DeCamp	Dworak	Kelly	Kennedy	Kremer
Marvel				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MESSAGE FROM THE GOVERNOR

February 4, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Legislative Bill No. 383.

This bill was signed by me on February 4, 1976 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 720. Indefinitely postponed.
LEGISLATIVE BILL 729. Indefinitely postponed.
LEGISLATIVE BILL 730. Indefinitely postponed.
LEGISLATIVE BILL 766. Indefinitely postponed.
LEGISLATIVE BILL 769. Indefinitely postponed.
LEGISLATIVE BILL 804. Indefinitely postponed.
LEGISLATIVE BILL 921. Indefinitely postponed.

LEGISLATIVE BILL 786. Placed on General File as amended.
Standing Committee amendments to LB 786:

1. On page 2, line 4 strike "(1)"; line 9, strike "February 15" and insert "March 1"; and strike lines 20 through 27.
2. On page 3, strike lines 1 through 5.

(Signed) Calvin F. Carsten, Chairman

SELECT COMMITTEE REPORTS
Committee on Committees

February 5, 1976

The Committee on Committees desire to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. J. Exon. The Committee suggest the appointments be confirmed by the Legislative Body and suggests a record vote.

Mr. Theodore C. Reeves
Environmental Control Council

Senator Kelly, Senator Skarda and Senator Hasebroock appeared in support of Mr. Reeves. No one appeared in opposition.

Committee Vote: For: (9) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage, Skarda, and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Clark, and DeCamp. Excused: (1) Senator Duis.

Mr. R. Doyle Hanson
Board of Public Roads Classifications and Standards

Senator Murphy appeared in support of Mr. Hanson. No one appeared in opposition.

Committee Vote: For: (9) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage, Skarda, and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Clark, and DeCamp. Excused: (1) Senator Duis.

Mr. Norman Magnusson
Board of Public Roads Classifications and Standards

Senator Skarda and Senator Keyes appeared in support of Mr. Magnusson. Senator Frank Lewis submitted a letter stating his endorsement in behalf of Mr. Magnussen. No one appeared in opposition.

Committee Vote: For: (9) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage, Skarda, and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Clark, and DeCamp. Excused: (1) Senator Duis.

Mr. Donald Hyde
Board of Public Roads Classifications and Standards

No one appeared in behalf of Mr. Hyde and on one appeared in opposition.

Committee Vote: For: (9) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage, Skarda, and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Clark, and DeCamp. Excused: (1) Senator Duis.

Mr. Paul Mead
State Electrical Board

Senator Cope appeared in support of Mr. Mead. No one appeared in opposition.

Committee Vote: For: (9) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage, Skarda, and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Clark, and DeCamp. Excused: (1) Senator Duis.

Mr. Paul Meierhenry
Agricultural Products Industrial Utilization Committee

Senator Nichol appeared in support of Mr. Meierhenry and Senator Kennedy submitted a letter stating his endorsement in behalf of Mr. Meierhenry. No one appeared in opposition.

Committee Vote: For: (9) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage, Skarda, and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Clark, and DeCamp. Excused: (1) Senator Duis.

Mr. Richard Nisley
Game and Parks Commission

Senator Skarda, Senator Hasebroock and Senator Savage appeared in support of Mr. Nisley. No one appeared in opposition.

Committee Vote: For: (9) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage, Skarda, and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Clark, and DeCamp. Excused: (1) Senator Duis.

(Signed) John S. Savage, Chairman

MOTION—Rule Change

Messrs. George and Barnett offered the following Rule Change:

Notwithstanding any other provision contained in these Rules, for the first twenty legislative days of each regular session, the Legislature in its entirety, shall meet as a Budget Committee of the whole. The Chairman of the permanent Appropriations Committee shall appoint a member from the committee to serve as the Chairman of each of eight sub-committees composed of five Senators who are not presently members of the Appropriations Committee.

Said eight sub-committees, to be chosen by the Committee on Committees, shall hold hearings for the purpose of reviewing state agency budget requests and prepare the recommendations for those agency budget requests reviewed. The Appropriations Committee shall allocate among the eight respective sub-committees those state agencies to be reviewed by each sub-committee.

Upon completion of the hearings by the sub-committees, each sub-committee shall forward through its Chairman, those recommendations to the permanent Chairman of the Budget Committee. When the permanent Budget Committee meets to review the sub-committee reports, one representative from each of the sub-committees shall be available to assist and advise in the review of the eight sub-committee reports. The seventeen member committee shall compile all necessary information to prepare a final Appropriations Bill to be submitted to the Legislature. In the process of this final review, the expanded Appropriations Committee may alter the recommendations of the sub-committee.

When the Budget Committee reports the Appropriations Bill to the floor of the Legislature, it shall provide an accompanying report which identifies all instances in which the recommended level of appropriations for any state agency differs from that originally recommended by the sub-committee which initially reviewed the budget request.

Referred to the Rules Committee.

MOTION—Introduce New Bill

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment. (Req. No. 1480)

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 997. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Burrows, 30th District; Kime, 43rd District; Dickinson, 31st District; Kennedy, 21st District; Maresh, 32nd District.

A BILL FOR AN ACT to amend section 54-201, Reissue Revised Statutes of Nebraska, 1943, relating to liens; to change provisions relating to the priority of agister's liens as prescribed; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 119.

Introduced by Mills, 44th District.

WHEREAS, our nation and our state are celebrating the Bicentennial date of this nation's Independence; and

WHEREAS, evolving modes of transportation have influenced and shaped our nation's history to a large degree; and

WHEREAS, the Studebaker marque has been a respected part of the American transportation scene and produced conveyances for use by our countrymen for 114 years; and

WHEREAS, Studebaker-built covered wagons carried many pioneers to settle the prairie lands now known as Nebraska; and

WHEREAS, there are still over one thousand Studebaker automobiles in use today by Nebraskans; and

WHEREAS, the covered wagon symbol on Nebraska's 1976 license plate bears a remarkable resemblance to the wagons once produced by Studebaker.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognize the long and distinguished history of the Studebaker and its role in the development of our nation and our state.
2. That the Studebaker automobile be proclaimed the official Nebraska Bicentennial Automobile.

Laid over.

MOTION—Return LB 675 to Select File

Mr. Maresh moved to return LB 675 to Select File for the following specific amendment:

AMENDMENT TO LB 675

1. On page 2 insert a new section to read as follows:

"Section 1. That section 77-1716, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1716. The county treasurer may, at any time prior to December 1 of each year, send a notice to each person on the personal tax roll, advising such taxpayer of the amount of personal taxes for that year. Such notice need not be sent by the county treasurer when the total amount of personal taxes due for that year is less than one dollar. No person shall be required to pay personal taxes in any year in which the amount of the taxes due is less than one dollar. At any time after December 1 and before July 1 next following, the county treasurer is required to notify by mail any taxpayer, whose personal tax is delinquent, on account of such taxpayer not having paid said personal taxes, or the first installment thereof, on December 1, as required by law, of the amount of such delinquent personal tax. The notice shall also recite that unless the entire tax is paid by July 1, next following, distress warrant will be issued therefor.".

2. On page 2, line 20 after "section" insert "77-1716, Reissue Revised Statutes of Nebraska, 1943, and section "; and in line 21 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 3 and 4 respectively.

Mr. Maresh moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays and 32 not voting.

Mr. Dickinson moved the Call be raised. The motion prevailed.

The Maresh motion prevailed with 27 ayes, 1 nay and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 675. Mr. Anderson asked unanimous consent to have the bill laid over until tomorrow. No objections. So ordered.

LEGISLATIVE BILL 635. E & R amendment found in the Journal on page 533 for the Twenty-first Day was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 413. E & R amendment found in the Journal on page 534 for the Twenty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 202. Mr. Stull renewed his pending motion to indefinitely postpone, found in the Journal on page 426 for the Sixteenth Day.

Mr. Stull asked unanimous consent to bracket LB 202 until February 12. No objections. So ordered.

UNANIMOUS CONSENT–Bracket LB 585

Mr. Luedtke asked unanimous consent to bracket LB 585 on E & R Final. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 117. Read and considered.

Mr. Bereuter offered the following amendment to LR 117:

In paragraph 1 strike the semicolon after "funds" and insert "to implement fiscal reform appropriately benefiting state and local government;" after "and".

In paragraph 3 insert "state governments and" before "local".

In paragraph 4 insert "state and" before "local".

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

LR 117 was adopted with 28 ayes, 3 nays and 18 not voting.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 725. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
997	Agric. & Env.

(Signed) Eugene T. Mahoney, Chairman

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 996 Tuesday, February 17, 1976 1:30 p.m.

(Signed) Calvin F. Carsten, Chairman

Judiciary

LB 990 Wednesday, February 25, 1976 1:30 p.m.

(Signed) Roland A. Luedtke, Chairman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 636. Indefinitely postponed.
LEGISLATIVE BILL 637. Indefinitely postponed.
LEGISLATIVE BILL 749. Placed on General File.
LEGISLATIVE BILL 750. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

VISITORS

The President introduced Mr. Ed Sykes, Editor of the Western Outlook Magazine, from Ogallala, Nebraska.

ADJOURNMENT

At 11:54 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, February 6, 1976.

Vincent D. Brown
Clerk of the Legislature

TWENTY-THIRD DAY—FEBRUARY 6, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 6, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Lord Jesus, help us to see clearly that the pace at which we are living these days often shuts Thee out of our minds and hearts, and leaves us, even with good intentions, to wander in a misty land of half truth and compromise. Deliver us, O God, from the "God helps those who help themselves" philosophy, which is really a cloak for sheer unbelief in the ability and willingness to take care of ourselves and our failures. Give us a passion which is in principle excellent, rather than in politics expedient, for that which is morally right rather than socially corrct. These things we ask in Jesus' name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Marvel, Skarda, R. Lewis and Mahoney who were excused; and Mr. F. Lewis who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-second Day was approved.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 5, 1976. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Crosby, Guenzel, Davis, Kessner & Kuester:
Crosby, Robert B. – Lincoln, Philips Stores
Knoll, Jeffrey A. – Lincoln, Police Officers Association of Nebraska
Seglin, Steven G. – Lincoln, Philips Stores
Epke, Walter H. – York, Buffalo County Livestock Improvement Assn.
Hartsock, Dick H. – Lincoln (withdrawn 1-29-76), Nebraska Educational Sales & Service Assn.
Keillor, James H. – Omaha (withdrawn 1-30-76), Nebraska Nursing Home Association
Ryan, James E. – Lincoln (withdrawn 2-2-76), Arrowhead Corporation of Wyoming

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 704. Placed on Select File as amended.
E & R amendments to LB 704:

1. For correlation purposes, on page 2, lines 2 and 17, and in the title, line 3, insert ", as amended by section 3, Legislative Bill 622, Eighty-fourth Legislature, Second Session, 1975" after "1943"; and on page 2, line 4, strike "76-217.02.".
2. In the title, line 8, strike "and"; and in line 9 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 628. Placed on Select File as amended.
E & R amendment to LB 628:

1. In committee amendments, page 2, line 11, strike "above described" and insert "such".

(Signed) Donald N. Dworak, Chairman

EXPLANATION OF VOTE

Had I been present I would have voted aye on LB 536.

(Signed) Jack D. Mills

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 275.

A BILL FOR AN ACT relating to correctional services; to provide for rules and regulations respecting rights and privileges; to provide for adult disciplinary procedures within institutions administered by the Department of Correctional Services as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Barnett	Bereuter	Burbach	Carsten	Cavanaugh
Chambers	Clark	Cope	Dworak	Fowler
George	Goodrich	Hasebroock	Johnson	Keyes
Kime	Koch	Kremer	Luedtke	Maresh
Marsh	Mills	Moylan	Murphy	Nichol
Rumery	Savage	Schmit	Simpson	Stoney
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 15:

Anderson	Burrows	DeCamp	Dickinson	Duis
Fitzgerald	Kelly	Kennedy	F. Lewis	R. Lewis
Mahoney	Marvel	Rasmussen	Skarda	Stull

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 299.

A BILL FOR AN ACT to amend section 83-101.02, Reissue Revised Statutes of Nebraska, 1943, relating to public institutions; to change qualifications for the director; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Barnett	Burbach	Burrows	Carsten	Cavanaugh
Clark	Cope	Dworak	Fowler	George
Goodrich	Hasebroock	Johnson	Kennedy	Keyes
Kremer	Luedtke	Maresh	Mills	Moylan
Murphy	Nichol	Rumery	Savage	Schmit
Simpson	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 5:

Bereuter	Dickinson	Koch	Marsh	Stoney

Not voting, 13:

Anderson Chambers DeCamp Duis Fitzgerald
Kelly Kime F. Lewis R. Lewis Mahoney
Marvel Rasmussen Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 432. Mr. Kime moved to return LB 432 to Select File for the following specific amendment:
Strike the enacting clause.

The Kime motion prevailed with 25 ayes, 17 nays and 7 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 635.

Correctly Engrossed

The following bills were correctly engrossed: 413, 431, 460, 674, and 696.

Correctly Enrolled

The following bills were correctly enrolled: 91, 177, 266, 339, 445, 477, 502, 536, and 622.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 91, 177, 266, 339, 445, 477, 502, 536, 622, and LR 117.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 899. Placed on General File as amended.
Standing Committee amendment to LB 899:

1. On page 2, line 21 after the comma insert "a renewal application and"; and strike beginning with "Appli-

cation" in line 24 through the period in line 26 and show as stricken.

(Signed) J. R. Murphy, Chairman

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 997 Friday, February 20, 1976, East Senate Lounge 1:30 p.m.

(Signed) Loran Schmit, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 6, 1976, at 9:35 a.m., were the following bills: 382, 441, 514, 561, 581, and 640.

(Signed) Janet Loder, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 432. The Kime specific amendment found in this day's Journal is pending.

LEGISLATIVE BILL 204. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 629. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 649. E & R amendments found in the Journal on page 552 for the Twenty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 675. Mr. Maresh asked unanimous consent to withdraw his pending specific amendment found in the Journal on page 567 for the Twenty-second Day. No. objections. So ordered.

Readvanced to Final Reading with 28 ayes, 0 nays and 21 not voting.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 776. Placed on General File as amended.
Standing Committee amendments to LB 776:

1. On page 2, line 27 reinstate "municipality".
2. On page 3, line 1 strike the new matter and before "owns" insert ", except a village having a population of less than eight hundred inhabitants,".

LEGISLATIVE BILL 790. Placed on General File as amended.
Standing Committee amendment to LB 790:
1. On page 4, strike the new matter in lines 8 and 9 and insert "one dollar"; and strike beginning with "to" in line 11 through "therein" in line 14 and show as stricken and insert "to the municipality issuing such a license".

(Signed) Steve Fowler, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 662. Indefinitely postponed.
LEGISLATIVE BILL 928. Indefinitely postponed.

(Signed) George Syas, Chairman

GENERAL FILE

LEGISLATIVE BILL 519. Considered.

The Simpson pending amendment found in the Journal on page 545 for the Twenty-first Day to the Schmit amendment found in the Journal on page 411 for the Fifteenth Day was adopted with 23 ayes, 0 nays and 26 not voting.

Mr. Cope offered the following amendment to the Schmit amendment:
Amend the Schmit amendment by inserting the words after shall in section one "a majority of those voting".

The Cope amendment was adopted with 20 ayes, 0 nays and 29 not voting.

Mr. Mills offered the following amendment to the Schmit amendment:
On line 7 after track insert, Dog Racing.

The Mills amendment lost with 9 ayes, 11 nays and 29 not voting.

Mr. Schmit asked unanimous consent to withdraw his pending amendment, as amended. No objections. So ordered.

Laid over temporarily at the request of Mr. Schmit.

LEGISLATIVE BILL 434. Mr. Schmit asked unanimous consent to bracket until February 20, 1976. No objections. So ordered.

LEGISLATIVE BILL 519. Considered.

Mr. Schmited offered the following amendment:

1. On page 2, line 3 after the first underscored comma strike "remodel, repair,"; line 8 after "meetings" insert ", and" and strike ", The bonds shall not"; strike line 9; line 10 strike "but"; line 12 strike "thirty" and insert "twenty".

Amendment pending.

Mr. Schmit asked unanimous consent to have the bill laid over. No objections. So ordered.

LEGISLATIVE BILL 579. Title read. Considered.

Mr. F. Lewis asked unanimous consent to withdraw his pending amendment found in the Journal on page 1787 for the Eighty-first Day, First Session. No objections. So ordered.

Mr. Warner renewed his pending amendment found in the Journal on page 433 for the Sixteenth Day.

Mr. Warner moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays and 29 not voting.

Mr. Warner moved the Call be raised. The motion prevailed.

The Warner amendment was adopted with 26 ayes, 6 nays and 17 not voting.

Mr. Koch moved to indefinitely postpone. The motion lost with 14 ayes, 15 nays and 21 not voting.

The Chair voted "nay" to break the tie.

Mr. F. Lewis moved to advance to E & R for Review.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays and 25 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

Advanced to E & R for Review with 25 ayes, 9 nays and 15 not voting.

LEGISLATIVE BILL 313. Bracket until Friday, February 13, 1976 at the request of Mr. Cavanaugh.

LEGISLATIVE BILL 464. Bracket until February 11, 1976 at the request of Mr. DeCamp.

LEGISLATIVE BILL 669. Title read. Considered.

Mr. Nichol offered the following amendment:
On LB 669 - on page 2, line 5, strike "Forty" and insert "30"; and line 18 strike "40" and insert "30". On page 3, line 21, strike "40" and insert "30"

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 442. Title read. Considered.

Standing Committee amendments found in the Journal on page 353 for the Thirteenth Day were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 27 ayes, 1 nay and 20 not voting.

LEGISLATIVE BILL 678. Title read. Considered.

Standing Committee amendments found in the Journal on page 370 for the Fourteenth Day were considered.

Mr. Nichol offered the following amendment to the Standing Committee amendment:
AMENDMENT TO COMMITTEE AMENDMENT ON LB-678
Delete all of Section 1 of the Committee Amendment and in
Section 2 delete the following "Section 39-1411 Reissue
Revised Statutes of Nebraska, 1943, and also" and amend
the title to conform.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

NOTICE OF COMMITTEE HEARINGS

Committee on Committees

February 6, 1976

The hearing set for Wednesday, February 18, 1976, before the Committee on Committees has been reset for Thursday, February 19, 1976, Room 2102, 12:00 Noon, Legislative Council Hearing Room, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Mrs. Betty Abbott – Environmental Control Council
Robert Cox – Environmental Control Council
Dale Sampson – Environmental Control Council
Mrs. Margaret Sutherland – Environmental Control Council
Martin Dineen – State Fire Marshal
Joseph J. Cascio
Board of Public Roads Classifications and Standards

(Signed) John S. Savage, Chairman

SELECT COMMITTEE REPORTS

Committee on Committees

February 6, 1976

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. J. Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Mr. Terrance E. Pesek
Board of Public Roads Classifications and Standards

Senator Skarda and Senator Savage appeared in behalf of Mr. Pesek. No one appeared in opposition.

Committee Vote: For: (9) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage, Skarda, and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Clark, and DeCamp. Excused: (1) Senator Duis.

Mr. Don Swing
Board of Public Roads Classifications and Standards

No one appeared in support and no one appeared in opposition to Mr. Swing's reappointment.

Committee Vote: For: (9) Senators Hasebroock, Kelly, Keyes, Kime, Koch, Marsh, Savage, Skarda, and Wiltse. Against: None. Absent and not voting: (3) Senators Chambers, Clark, and DeCamp. Excused: (1) Senator Duis.

(Signed) John S. Savage, Chairman

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 742. Placed on General File as amended.
Standing Committee amendment to LB 742:

1. On page 3, lines 26 and 27, and on page 4, lines 1 through 7 and line 20, reinstate the stricken matter.

2. All amendatory matter having been removed from sections 2 and 3, strike sections 2 and 3, and renumber original section 4 as section 2.

3. On page 6 line 1 strike "sections" and insert "section"; line 2 strike "71-4606, and 71-4608,"; line 3 strike "are" and insert "is"; after line 3 insert a new section as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. In the title, strike lines 2 through 8 and insert the following:

"FOR AN ACT to amend section 71-4604.01, Revised Statutes Supplement, 1975, relating to public health and welfare; to remove the fee for seals on certain recreational vehicles as prescribed; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 764. Placed on General File as amended.
Standing Committee amendments to LB 764:

1. On page 4, line 18 after "body" insert ", except as provided in subsection (2) of section 3 of this act".

2. On page 5, line 22 after "part" insert ", except the enucleation of eyes"; line 24 after "upon" insert "(a)"; line 25 after "and" insert "(b)".

LEGISLATIVE BILL 159. Indefinitely posposed.

(Signed) Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT–Member Excused

Messrs. F. Lewis and Bereuter asked unanimous consent to be excused at 11:30 a.m. No objections. So ordered.

MOTION–Return LB 585 to Select File

Mr. Luedtke moved to return LB 585 to Select File for the following specific amendment:

AMENDMENT TO LB 585

1. Strike paragraph 2 of Duis Amendment to LB 585 on page 474 of the Legislative Journal.

2. Strike the original section 17 of LB 585 and insert: Section 17. 77-2019. In order to fix the value of property subject to the payment of said tax, the county judge may appoint an associate county judge or some other competent person as appraiser as often as or whenever occasion may require, except that when real estate is to be appraised by a competent person other than a county judge or an associate county judge, the county judge shall appoint a real estate appraiser licensed under sections 81-8,276 to 81-8,287, but if the county judge shall find that no licensed real estate appraiser is a disinterested freeholder of the county, some other competent person may be appointed.

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 585. The Luedtke specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Clark announced he was passing out to the members the revenue projections for 1975-76 and 1976-77; also, availability capital construction for the next four years.

RESOLUTIONS

LEGISLATIVE RESOLUTION 119. Read and considered.

Mr. Mills moved for a Call of the House. The motion lost with 8 ayes, 19 nays and 22 not voting.

LR 119 failed with 13 ayes, 14 nays and 22 not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 106. Read and considered.

Motion pending to advance to E & R for Review.

UNANIMOUS CONSENT—Print in Journal

Speaker Burbach asked unanimous consent to print the following schedule on priority bills in the Journal. No objections. So ordered.

PRIORITY BILLS

No lottery yet - - probably later.

Bracketed bills set for a date certain on General File will have first priority up to February 9, followed by individual priority and committee priority.

Priority bills must be on General File at the time of request.

A committee may request a priority bill without cost or reflection to the individual member making said request - - one per committee.

Budget bills whenever ready.

Final reading deadline for Constitutional Amendments February 28.

Final reading deadline on bills for override March 24.

The Speaker shall at his pleasure schedule bills on General File debate of interest and concern to the majority of the membership after priority bills have been heard.

(Signed) J. W. Burbach, Speaker

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 688. Placed on General File as amended.
Standing Committee amendments to LB 688:

1. On page 2, lines 21, 22, 26, and 27, strike "board" and insert "~~board~~ council".
2. On page 5, line 10, strike "is" and insert "and also sections 16-668, 16-690, and 19-1405, Reissue Revised Statutes of Nebraska, 1943, are".
3. In the title, line 6, after "section" insert ", and also sections 16-668, 16-690, and 19-1405, Reissue Revised Statutes of Nebraska, 1943".

(Signed) Steve Fowler, Chairman

Revenue

LEGISLATIVE BILL 884. Placed on General File as amended.

Standing Committee amendments to LB 884:

1. On page 5, line 18, after "possession" strike "thereof", and insert "because of fire or theft or because the motor vehicle was wrecked, junked or dismantled".

2. On page 6, strike lines 4 through 7, and in line 8 strike "dismantlement, or junking," and insert the following:

"(7) Whenever a Nebraska based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered motor vehicles because of (a) the transfer of ownership, or (b) the loss of possession due to fire or theft or because the motor vehicle was wrecked, junked or dismantled,".

3. On page 7, insert a new section 2 as follows:

"Sec. 2. That section 77-1241.09, Revised Statutes Supplement, 1975, be amended to read as follows:

77-1241.09. (1) As motor vehicle taxes and registration fees are received by the Tax Commissioner pursuant to ~~section~~ sections 60-305.09 and 77-1241.07, the Tax Commissioner shall transmit such taxes and fees to the State Treasurer, less a ~~three per cent~~ collection fee consisting of three per cent ~~on~~ of motor vehicle taxes and three per cent of the thirty per cent of those registration fees collected pursuant to section 60-305.09 and deposited by the State Treasurer as provided in this subsection for fiscal years 1973 to 1979. ~~, to the State Treasurer~~ The State Treasurer shall deposit all such taxes and thirty per cent of the fees collected pursuant to section 60-305.09 in the Motor Vehicle Tax Fund and all such fees, except thirty per cent of the fees collected pursuant to section 60-305.09, in the Highway Trust Fund. The collection fee shall be remitted to the State Treasurer for credit to the Tax Commissioner Revolving Fund.

(2) On or before the first day of April, 1970, and quarterly thereafter, the State Treasurer shall distribute all funds in the Motor Vehicle Tax Fund to the county treasurer of each county in the same proportion as the number of original motor vehicle registrations in each county bears to the total of all original registrations within the state in the registration year immediately preceding.

(3) Upon receipt of motor vehicle tax funds from the State Treasurer, the county treasurer shall allocate such funds to each taxing district of the county based on the percentage which motor vehicle registrations in each taxing district of the county bears to the total of all registrations within the county in the preceding calendar year, and distribute such funds to those political subdivisions which levy taxes in the same proportion that the levy of each such taxing subdivision bears to the total of such levies within each taxing district.

(4) In the event any taxing district has been annexed, merged, dissolved or in any way absorbed into another taxing district any apportionment of motor vehicle taxes to which such taxing district would have been entitled shall be apportioned to the successor taxing district which has assumed the functions of the annexed, merged, dissolved, or absorbed taxing district.

(5) On or before March 1 of each year, the Department of Motor Vehicles shall furnish to the State Treasurer a tabulation showing the total number of original motor vehicle registrations in each county for the immediately preceding calendar year, which shall be the basis for computing the distribution of motor vehicle tax funds as provided in subsection (2) of this section.".

4. On page 7, line 1 strike "section" and insert "sections" and after "60-305.09" insert "and 77-1241.09"; and in line 2 strike "is" and insert "are".

5. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

LEGISLATIVE BILL 894. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 793. Indefinitely postponed.

(Signed) Dennis L. Rasmussen, Chairman

UNANIMOUS CONSENT—Bracket LB 346

Mr. Fowler asked unanimous consent to rebracket LB 346 from February 11, 1976 to February 18, 1976 on General File. No objections. So ordered.

ADJOURNMENT

At 12:00 Noon, on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Monday, February 9, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

TWENTY-FOURTH DAY–FEBRUARY 9, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 9, 1976

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, we know Thou art high above us, yet deep within us. Wilt Thou give to this Senate, before facing this day, the strategic issues of finance confronting our state, a moment of composure an perspective by thinking on Thee, who dost face the problems of the universe.
>
> May we not be apathetic, but rather filled with a desire to finish the work before us. Help us to understand what our state needs to do, and prepare us to evaluate the cost of this doing.
>
> May we ever seek peace and harmony, but never a selfish peace, and with wider vision may we, steadfastly and faithfully, work to meet the imperative needs facing the people of our state. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Nichol and Skarda who were excused, and Mr. Anderson who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 577, line 3, correct spelling of "Schmit".
Page 580, line 40, correct spelling of "postponed".
The Journal for the Twenty-third Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

February 5, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 37, 219, 425, 440, 485, 495, 515, 521, 534, 535, 545, 583, 584, 587, 596, 614, 615, 616, 617, 618, 619, 620, and 621.

These bills were signed by me on February 5, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

February 6, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 581.

This bill was signed by me on February 6, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

February 6, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 310 and 713.

These bills were signed by me on February 6, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 9, 1976, at 9:15 a.m., were the following bills: 266, 177, 477, 91, 622, 339, 445, 502, and 536.

(Signed) Janet Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 649. Replaced on Select File as amended.
E & R amendment to LB 649:

1. Strike E & R 2, and in committee amendment 3, line 3, strike "line 7" and insert "line 9".

Correctly Engrossed

The following bills were correctly engrossed: 585 and 629.

Correctly Enrolled

The following bills were correctly enrolled: 275 and 299.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 275 and 299.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 172

February 5, 1976

Dear Senator Barnett:

You have written to this office requesting our advice as to the legality of an appropriation made by the 1975 Session of the Nebraska Legislature. This appropriation appears in section 20 of LB 604 and is designated Program No. 547. The appropriation is to Agency No. 70, Economic Opportunity Commission, and appropriates both federal funds and state funds. You are concerned whether or not this is a proper way to make this particular appropriation because you wish to make sure at this session that these funds are properly appropriated.

A part of your question is raised, as you point out in your letter, by the original establishment of the Technical Assistance Agency pursuant to the Economic Opportunity Act of 1964. This was a federal statute. In response to a request from the Governor, a copy of which letter is enclosed with your request, we stated that:

> "We conclude that you, as Governor, can sponsor the proposed project and can receive the available funds and expend the same. State funds which are needed and must be expended in support of the proposed program can only come from the appropriation made for the operation and maintenance of the Governor's Office. However, the agency you have designated is a nominal agency and can only function under your authority as Governor. If, as Governor, you choose to sponsor the proposed federal program, you may delegate the actual performance of the duties to others in your office and may give such group any title which you may desire. Such agency may not in its own name receive and expend funds, but the receipt and expenditure of the funds must be under your authority as Governor."

Subsequent to the receipt of our letter, Governor Morrison authorized the creation of a new agency within the executive office of the Governor. He stated that the agency was to be known as the "Nebraska Technical Assistance Agency for the Economic Opportunity Act." It is clear that this agency was under the Governor and directly responsible to the Governor. Subsequently, in 1965, the appropriation was made to the Governor. See LB 922, section 5, Laws 1965. The purpose of the appropriation was for the Economic Opportunity Act. Apparently the Legislature in 1967 changed the format and appropriated the funds to the Economic Opportunity Commission, Agency No. 70, for the purpose of Program No. 547, the Economic Opportunity Act. Both federal and state funds were appropriated. See LB 922, section 66, 1967 Legislature. This format is presently being followed.

There are certain factual matters which we will assume. We are not aware of the creation of any state agency known as the Economic Opportunity Commission, either statutorily or by executive order. We believe that is true that there exists within the office of the Governor the

Technical Assistance Agency which apparently is expending the funds involved in the government grant and the appropriation to the Economic Opportunity Commission. We think their authority to do so is questionable and might properly be challenged. However, this method of appropriation and operation has apparently been going on since 1967 when this practice of method of appropriating occurred in the first instance. This should be remedied by legislative action.

The situation which exists is, of course, distinctly different when considering federal funds as opposed to state appropriated funds. With reference to the federal funds, such must be expended in accordance with the terms of the federal grant. In LB 604, section 24 provides for an adequate appropriation of federal funds with reference to the Economic Opportunity Act. The problem involved is with reference to state funds. There is no legislatively created agency which is designated by statute and given powers by statute. The power to expend federal funds is in the Governor. See Section 84-109, R.R.S. 1943. The Technical Assistance Agency is a designation given by the Governor to that entity within his department which is responsible for the expenditure of funds under the Economic Opportunity Act. As such, any state funds appropriated as matching money for the federal funds, in the present context of the statutes, should be appropriated to the office of the Governor. These funds are not.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 173
February 6, 1976

Dear Senator Schmit:

You have asked us for an opinion as to the constitutional validity of a proposed amendment to LB 202. LB 202 would amend section 68-1022, R.R.S. 1943. This section now provides that twenty per cent of the cost of medical assistance shall be paid by the county in which the recipient has a legal settlement, and if a recipient has no county legal settlement, such medical assistance shall be paid from state funds and funds allocated by the government of the United States. The proposed amendment of LB 202 would amend section 68-1022 to read as follows:

> "Medical assistance shall be paid from state funds and such funds as may be allocated by the government of the United States. Any incremental increase in state funds that may be required for the fiscal years commencing July 1, 1976, 1977, 1978, and 1979 shall be treated as an express obligation by the State Board of Equalization and Assessment. The total tax levy of each county shall be reduced by the amount of additional state funds provided pursuant to this section. Any county which fails to reduce its levy shall forfeit any state assistance provided pursuant to this section."

It appears to us that this section, under the proposed amendment, may be unconstitutionally vague and uncertain. It appears that the thought behind the amendment is that, since the county would not be required to pay the twenty per cent cost of the medical assistance, the savings should be passed on to the taxpayers by a reduced mill levy. However, no standards are established by which it could be determined whether this had been done. A county's mill levy may vary from year to year, depending upon the estimate of the county board as to expenditures. The fact that, after the effective date of the proposed amendment, the county's mill levy did not decrease by an amount represented by the savings would not necessarily be proof that the levy had not been reduced by the amount of this savings, since other county expenditures might have required increases. It would be necessary for the statute to set standards by which it could be determined whether or not the savings had been passed on to the taxpayers.

In addition to that, we believe that the proposed penalty is obscure. The last sentence of the proposed amendment states, "Any county which fails to reduce its levy shall forfeit any state assistance provided pursuant to this section." We do not understand what is intended here, since the provision about the payment of twenty per cent of the cost of the medical assistance by the county has been repealed, and would not be reinstated by the provision in question. In other words, section 68-1022, as amended, does not provide for any "state assistance" to the county, and there is nothing to be forfeited.

We therefore believe that if the proposed amendment is adopted, the court might hold it to be unconstitutionally vague and uncertain.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

SELECT COMMITTEE REPORT
Rules

Mr. President,

The Rules Committee met Tuesday noon, February 3, 1976, and acted favorably on the following rule change:

Strike all of Section 10, Rule 2 and insert the following:

Sec. 10. Time Limit on Speaking. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he be the mover, proposer, or introducer of the matter pending in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken. Provided, however, the mover, proposer or introducer of the matter pending may speak for ten minutes when he first presents the matter to the Legislature.

(Signed) John W. DeCamp, Chairman

Dated: February 3, 1976

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 711. Placed on General File.

(Signed) Steve Fowler, Chairman

Appropriations

LEGISLATIVE BILL 676. Placed on General File.
LEGISLATIVE BILL 682. Placed on General File.
LEGISLATIVE BILL 683. Placed on General File.
LEGISLATIVE BILL 743. Placed on General File.

LEGISLATIVE BILL 798. Placed on General File as amended.
Standing Committee amendments to LB 798:

1. On page 2, line 1, strike "$165,000" and insert "$123,000".
2. In the title, line 2 strike "$165,000" and insert "$123,000".

LEGISLATIVE BILL 868. Placed on General File.
LEGISLATIVE BILL 869. Placed on General File.

LEGISLATIVE BILL 944. Placed on General File as amended.
Standing Committee amendments to LB 944:

1. On page 2 line 16 after "that" strike "the grant" and insert "payment".

2. On page 3 line 2 after "need" strike "with the approval" and show as stricken; line 3 strike "of" and show as stricken and insert "and in accordance with the procedures established through".

LEGISLATIVE BILL 977. Placed on General File.

(Signed) Richard D. Marvel, Chairman

UNANIMOUS CONSENT–Change of Hearing Room

Mr. F. Lewis asked unanimous consent to use the West Chamber for the Education Committee hearing on Tuesday, February 10, 1976. No objections. So ordered.

UNANIMOUS CONSENT–Members Excused

Mr. Fitzgerald asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kremer asked unanimous consent to be excused from 10:30 a.m. until 11:00 a.m. No objections. So ordered.

COMMUNICATIONS

Acknowledged receipt of a resolution from Georgia regarding a balanced federal budget. (Resolution on file in the Clerk's office.)

SELECT FILE

LEGISLATIVE BILL 704. E & R amendments found in the Journal on page 572 for the Twenty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 628. E & R amendment found in the Journal on page 572 for the Twenty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 432. Mr. Kime renewed his pending amendment found in the Journal on page 574 for the Twenty-third Day to strike the enacting clause.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 11 nays and 19 not voting.

The call showed 45 members present.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 24:

Burbach Carsten Cope DeCamp Dickinson
Dworak Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime R. Lewis Mahoney
Maresh Moylan Murphy Rumery Savage
Stull Swigart Syas Wiltse

Voting in the negative, 20:

Anderson Barnett Bereuter Burrows Cavanaugh
Chambers Clark Duis Fowler Koch
F. Lewis Luedtke Marsh Marvel Mills
Rasmussen Schmit Simpson Stoney Warner

Not voting, 5:

Fitzgerald George Kremer Nichol Skarda

The amendment lost with 24 ayes, 20 nays and 5 not voting.

Mr. Syas moved the Call be raised. The motion prevailed.

Mr. Chambers moved to advance LB 432.

Mr. Chambers moved for a Call of the House. The motion prevailed with 25 ayes, 1 nay and 23 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed.

Advanced to E & R for Re-Engrossment with 25 ayes, 6 nays and 18 not voting.

MOTION—Return LB 432 to Select File

Mr. Chambers moved to return LB 432 to Select File for the following sspecific amendment:
Strike all of Section 3

The motion prevailed with 29 ayes, 1 nay and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 432. The Chambers specific amendment found in this day's Journal was adopted with 32 ayes, 0 nays and 17 not voting.

Advanced to E & R for Re-Engrossment.

MOTION–Return LB 432 to Select File

Mr. DeCamp moved to return LB 432 to Select File for the following specific amendment:
By putting provisions of 782 into bill.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 17 ayes, 7 nays and 25 not voting.

The Call showed 45 members present.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 10:

DeCamp
George
Goodrich
Kime
R. Lewis
Moylan
Murphy
Rumery
Schmit
Swigart

Voting in the negative, 35:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
Dickinson
Duis
Dworak
Fowler
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Koch
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Rasmussen
Savage
Simpson
Stoney
Stull
Syas
Warner
Wiltse

Not voting, 4:

Fitzgerald
Kremer
Nichol
Skarda

The motion lost with 10 ayes, 35 nays and 4 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed.

UNANIMOUS CONSENT–Power Study

Mr. R. Lewis asked unanimous consent for the Public Works Committee to use the West Chamber on Wednesday, February 11, 1976 at 1:00 p.m. for a power study. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 503 in the Journal. No objections. So ordered.

AMENDMENTS TO THE STANDING COMMITTEE AMENDMENTS TO LB 503

1. On page 1, line 5 after "all" insert "elementary and secondary school"; and in line 17 strike "regulations" and insert "standards".

2. On page 2, line 2 strike "shall" and insert "may"; and after line 25 insert

"(3) The school board or board of education may authorize the delegation to other school officials of responsibilities directed to the principal or superintendent by this act.".

3. On page 3, line 4 strike "obvious"; strike lines 7 through 13 and insert

"(2) All rules and standards established by school officials, other than the board, applicable to students shall not conflict with rules and standards adopted by the board. The board may change any rule or standard in accordance with policies which it may from time to time adopt."; and in line 14 strike "Any and all rules" and insert "Rules or standards".

4. On page 4, line 6 after "of" insert "himself, herself, or".

5. On page 5, line 19 after the first "the" insert "student," and after "parents" insert ", or guardian".

6. On page 6, line 16 after "act" insert ", when such activity occurs on school grounds or during an educational function or event off school grounds"; in line 17 strike "Willful use" and insert "Use"; in line 25 after "value" insert ";"; and strike line 26 and 27.

7. On page 7, line 1 strike "Willfully causing" and insert "Causing"; line 2 after "student" insert a period; strike lines 3 through 6; in line 7 strike "Self-defense" and insert "Physical injury caused by accident, self-defense,"; in line 14 after "object" insert "or material"; in line 15 after "weapon" insert a semicolon and strike beginning with "(a)" in line 15 through the semicolon in line 19; in line 20 after "unlawful" insert "possession,"; in line 21 strike "narcotics" and insert "a controlled substance or alcoholic liquor"; in line 24 and 25 strike "constitutes

a substantial interference" and insert "interfers"; and strike lines 26 and 27.

8. On page 8, strike lines 1 through 3 and insert

"(8) A repeated violation of any rules validly established pursuant to section 7 of this act if such violations constitute a substantial interference with school purposes.".

9. On pages 8 through 10 strike original sections 12 to 14 and insert:

"Sec. 12. If a principal makes a decision to discipline a student by long-term suspension, expulsion, or mandatory reassignment, the following procedures shall be followed:

(1) On the date of the decision, a written charge and a summary of the evidence supporting such charge shall be filed with the superintendent. The school shall, within two school days of the decision, send written notice by registered or certified mail to the student, the student's parents, or guardian informing them of the rights established under this act.

(2) Such written notice shall include the following:

(a) The rule or standard of conduct allegedly violated and the acts of the student alleged to constitute a cause for long-term suspension, expulsion, or mandatory reassignment, including a summary of the evidence to be presented against the student;

(b) The penalty, if any, which the principal has recommended in the charge, and any other penalty to which the student may be subject;

(c) A statement that, before long-term suspension, expulsion, or mandatory reassignment for disciplinary purposes can be invoked, the student shall have a right to a hearing, upon request, on the specified charges;

(d) a description of the hearing procedures provided by this act, along with procedures for appealing any decision rendered at the hearing;

(e) A statement that the principal, legal counsel for the school, the student, the student's parents, or the student's representative or guardian shall have the right (i) to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct, and the right (ii) to know the identity of the witnesses to appear at the hearing and the substance of their testimony; and

(f) A form on which the student, student's parents, guardian may request a hearing to be signed by such parties and delivered to the principal or superintendent in person, or by registered or certified mail as prescribed in sections 15 and 16 of this act.

(3) Nothing in this act shall preclude the student, the student's parents, guardian, or representative from discussing and settling the matter with appropriate school personnel prior to the hearing stage.

Sec. 13. (1) If a hearing shall be requested within five school days of receipt of the notice as provided in section 12 of this act, the superintendent shall appoint a hearing examiner who shall, within two school days after being appointed, give written notice to the principal, and the student, the student's parents, or guardian, of the time and place for the hearing.

(2) The hearing examiner shall be any person designated by the school district's superintendent, board of education, or counsel, if such person (a) has not brought the charges against the student, (b) shall not be a witness at the hearing, and (c) has no involvement in the charge.

(3) The hearing shall be scheduled within a period of five school days after it is requested, but such time may be changed by the hearing examiner for good cause. No hearing shall be held upon less than two school days actual notice to the principal, and the student, the student's parents, or guardian, except with the consent of all the parties.

(4) The principal or legal counsel for the school, the student, the student's parents, or guardian, or representative shall have the right to examine the records and written statements referred to in this act as well as the statement of any witness in the possession of the school board or board of education at a reasonable time prior to the hearing.

Sec. 14. In addition to the other duties outlined in this act, it shall be the duty of the hearing examiner to remain impartial throughout all deliberations. The hearing examiner shall be available, prior to any hearing held pursuant to this act, to answer any questions, the principal, the student, student's parents or guardian may have regarding the nature and conduct of the hearing.".

10. On page 11 strike original section 17.

11. On page 12, line 1 strike "his" and insert "the student's"; and strike beginning with "Any" in line 10 through "principal" in line 13 and insert "Any counsel who acts as the designee of the principal in presenting the school's case against the student shall not advise the hearing examiner on the conduct of the hearing or later advise administrators or school board members on the conduct of any appeal. However, legal counsel may give advice on technical and procedural aspects of the school's presentation and may advise the hearing examiner and the school board as long as the legal counsel does not act as the principal's designee in presenting the school's case.".

12. On page 13, lines 1 and 2 strike "a person trained in their use and interpretation" and insert "appropriate school personnel"; in line 17 strike "examine and cross-examine" and insert "question"; in line 20 strike "affidavit" and insert "written statement"; in line 24 after "district" insert a period; and strike beginning with "pending" in line 24 through the period in line 25.

13. On page 15, line 21 strike "thirty calendar" and insert "fifteen school"; and in line 24 strike "administrative office" and insert "secretary".

14. On page 16, strike beginning with "advised" in line 15 through "position" in line 16 and insert "acted as the designee of the principal in presenting the school's case before the hearing examiner".

15. Renumber original sections 18 to 38 as sections 17 to 37 respectively.

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 669 in the Journal. No objections. So ordered.

LEGISLATIVE BILL 669

1. On page 4 insert a new section to read as follows:

"Sec. 4. That section 43-236.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-236.01. The presiding judge of the separate juvenile court may appoint one or more ~~suitable persons to act as referees~~ associate judges. No person shall be eligible to serve as ~~referee~~ associate judge who is not regularly admitted to practice law in this state and a member in good standing before the bar thereof. ~~Referees~~ Associate judges shall hold office at the pleasure of the presiding judge. The compensation of ~~a referee~~ an associate judge shall be fixed by the presiding judge and approved by the county board and shall be payable from the general fund of the county.

The presiding judge ~~may direct that any case or class of cases~~ assign to associate judges, severally, or by designation of office, or by class or category of cases, or in specific instances, any matter over which the separate juvenile court has jurisdiction, except matters arising under the provisions of Chapter 42, article 3. ~~, shall be heard in the first instance by the referee in the manner provided for the hearing of cases by the court.~~

~~Upon the conclusion of each case or as directed by the~~ presiding judge of the ~~court,~~ the referee shall transmit to ~~a judge of the separate juvenile court his findings and recommendations in writing. Notice of the presentation of the findings and recommendations of the referee~~ shall be given to the minor, ~~parents,~~ guardian ~~or custodian of the minor whose case has been heard by the referee, and to any other person that the court may direct. Such notice may~~ be ~~given at the~~ final hearing, or by ~~registered or certified mail to the last known~~ address ~~of such minor, parents, guardian~~ or custodian ~~of such minor, or to the address designated by any such persons appearing at the hearing before the referee.~~

~~The judge may make the order recommended by the referee or~~ any ~~other order in the judgment of the court required by the findings of~~ the ~~referee. Within ten days after receiving notice of the~~ findings and recommendations of the ~~referee, any interested party~~ may ~~file objections to the same with the court. Upon receiving notice of such objections, the court shall reopen the case and, after~~ considering all papers relating to the case and the findings and recommendations of the ~~referee, and reviewing all recordings of hearings therein and any objections filed, may make the order recommended by the referee or any other order in the judgment of the court required by the~~ findings of the referee, or may ~~hear additional testimony, or may set aside such findings and make findings in~~ the ~~judgment of the~~ court required by the ~~evidence~~ or hear ~~the case anew.~~".

2. On page 4, line 9 strike "and" and after "43-233.01," insert "and 43-236.01,".

3. Renumber original section 4 as section 5.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 757. Placed on General File.

(Signed) Frank Lewis, Chairman

Judiciary

LEGISLATIVE BILL 702. Placed on General File as amended. Standing Committee amendments to LB 702:

1. Strike original sections 1 to 4 and insert the following:

"Section 1. Every person found guilty of murder in the first degree shall suffer death if any one or more of the special circumstances enumerated in section 3 of this act have been charged and found to be true in the manner provided in section 2 of this act. Every person otherwise found guilty of murder in the first degree shall suffer confinement in the Nebraska Penal and Correctional Complex for life. Every person found guilty of murder in the second degree shall be punished by imprisonment in the Nebraska Penal and Correctional Complex from five years to life.

Sec. 2. (1) In any case in which the death penalty is to be imposed as the penalty for an offense only upon the finding of the truth of the special circumstances enumerated in section 3 of this act, the guilt or innocence of the person charged shall first be determined without a finding as to penalty. In any such case the person charged shall be represented by counsel. If such a person has been found guilty of such an offense, and has been found sane on any plea of not guilty by reason of insanity, and any one or more of the special circumstances enumerated in section 3 of this act have been charged, there shall be further proceedings on the issue of the special circumstances charged. In any such proceedings the person shall be represented by counsel. The determination of the truth of any or all of the special circumstances charged shall be made by the trier of fact on the evidence presented. In case of a reasonable doubt whether a special circumstance is true, the defendant is entitled to a finding that it is not true. The trier of fact shall make a special finding that each special circumstance charged is either true or not true. Whereever a special circumstance requires proof of the commission or attempted commission of a crime, such crime shall be charged and proved pursuant to the general law applying to the trial and conviction of a crime.

(2) If the defendant was convicted by the court sitting without a jury, the trier of fact shall be a jury unless a jury is waived by the defendant with the consent of the defendant's counsel, in which case the trier of fact shall be the court.

If the defendant was convicted by a plea of guilty the trier of fact shall be a jury unless a jury is waived by the defendant with the consent of his counsel. If the defendant was convicted by a jury, the trier of fact shall be the same jury unless, for good cause shown, the court discharges that jury, in which case a new jury shall be drawn to determine the issue of whether or not any of the special circumstances charged are true or not true.

(3) If the trier of fact finds, as to any person convicted of any offense under section 1 of this act requiring further proceedings that any one or more of the special circumstances enumerated in section 3 of this act as charged is true, the defendant shall suffer the penalty of death, and neither the finding that any of the remaining special circumstances charged is not true, nor if the trier of fact is a jury, the inability of the jury to agree on the issue of the truth or untruth of any of the remaining special circumstances charged, shall prohibit the imposition of such penalty.

(4) In any case in which the defendant has been found guilty by a jury, and the same or another jury is unable to reach a unanimous verdict that one or more of the special circumstances charged are true, and does not reach a unanimous verdict that all of such special circumstances charged are not true, the court shall dismiss the jury and shall order a new jury impaneled to try the issues, but the issue of guilt shall not be retried by such jury, nor shall such jury retry the issue of the truth of any of the special circumstances which were found by a unanimous verdict of the previous jury to be untrue. If such new jury is unable to reach a unanimous verdict that one or more of the special circumstances it is trying are true, the court shall dismiss the jury and impose the punishment of confinement in the Nebraska Penal and Correctional Complex for life.

Sec. 3. The penalty for a person found guilty of first degree murder shall be death in any case in which the trier of fact pursuant to the further proceedings provided for in section 2 of this act makes a special finding that:

(1) The murder was intentional and was carried out pursuant to an agreement with the de-

fendant. An agreement, as used in this subdivision, shall mean an agreement by the person who committed the murder to accept valuable consideration for the act of murder from any person other than the victim; or

(2) The defendant personally committed the act which caused the death of the victim and any of the following additional circumstances exist:

(a) The victim is a peace officer, who, while engaged in the performance of his duty, was intentionally killed, and the defendant knew or reasonably should have known that such victim was a peace officer engaged in the performance of his duties;

(b) The murder was willful, deliberate and premeditated and the victim was a witness to a crime who was intentionally killed for the purpose of preventing his testimony in any criminal proceeding;

(c) The murder was willful, deliberate and premeditated and was committed during the commission or attempted commission of any of the following crimes:

(i) Robbery;

(ii) Kidnapping. Brief movements of a victim which are merely incidental to the commission of another offense and which do not substantially increase the victim's risk of harm over that necessarily inherent in the other offense do not constitute kidnapping within the meaning of this paragraph;

(iii) Rape by force or violence, or by threat of great and immediate bodily harm;

(iv) The performance of lewd or lascivious acts upon the person of a child under the age of fourteen years; or

(v) Burglary, of an inhabited dwelling housing entered by the defendant with an intent to commit grand or petit larceny or rape; or

(d) The defendant has in this or in any prior proceeding been convicted of more than one offense of murder of the first or second degree. For the purpose of this subdivision an offense committed in another jurisdiction which if committed in Nebraska would be punishable as first or second degree murder shall be deemed to be murder of the first or second degree.

Sec. 4. (1) Notwithstanding any other provision of law, the death penalty shall not be imposed upon any person who was under the age of eighteen years at the time of the commission of the crime. The burden of proof as to the age of such person shall be upon the defendant.

(2) Except when the trier of facts finds that a murder was committed pursuant to an agreement as defined in subdivision (1) of section 3 of this act, the death penalty shall not be imposed upon any person who is a principal in the commission of a capital offense unless he was personally present during the commission of the act or acts causing death, and directly committed or physically aided in the commission of such act or acts.

Sec. 5. Any person who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away any individual by any means whatsoever with intent to hold or detain, or who holds or detains, such individual for ransom, reward, or to commit extortion or to exact from relatives or friends of such person any money or valuable thing, or any person who kidnaps or carries away any individual to commit robbery, or any person who aids or abets any such act, is guilty of a felony and upon conviction thereof shall suffer death in cases in which any person subjected to any such act suffers death, or shall be punished by imprisonment in the Nebraska Penal and Correctional Complex for life without possibility of parole in cases in which any person subjected to any such act suffers bodily harm, or shall be punished by imprisonment in the Nebraska Penal and Correctional Complex for life with possibility of parole in cases where no such person suffers death or bodily harm.

Sec. 6. Every person who unlawfully throws out a switch, removes a rail, or places any obstruction on any railroad with the intention of derailing any passenger, freight or other train, car, or engine and thus derails the same, or who unlawfully places any dynamite or other explosive material or any other obstruction upon or near the track of any railroad with the intention of blowing up or derailing any such train, car, or engine and thus blows up or derails the same, or who unlawfully sets fire to any railroad bridge or trestle over which any such train, car, or engine shall pass with the intention of wrecking such train, car, or engine, and thus wrecks the same, is guilty of a felony and punishable with death in cases in which any person subjected to any such act suffers death as a proximate result thereof, or imprisonment in the Nebraska Penal and Correctional Complex for life without the possibility of parole in cases where any person suffers bodily harm as a proximate result thereof, or imprisonment in the Nebraska Penal and Correctional Complex for life, with the possibility of parole, in cases where no person suffers death or bodily harm as a proximate result thereof.

Sec. 7. Unless otherwise provided by law every plea shall be put in by the defendant himself in open court. No plea of guilty of a felony for which the maximum punishment is death, or life imprisonment without the possibility of parole, shall be received from a defendant who does not appear with counsel, nor shall any such plea be received without the consent of the defendant's counsel. No plea of guilty to a capital offense which does not require the further proceedings provided for in section 2 of this act shall be received from a defendant. No plea of guilty of a felony for which the maximum punishment is not death or life imprisonment without the possibility of parole shall be accepted from any defendant who does not appear with counsel unless the court shall first fully inform him of his right to counsel and unless the court shall find that the defendant understands his right to counsel and freely waives it and then, only if the defendant has expressly stated in open court, to the court, that he does not wish to be represented by counsel. On application of the defendant at any time before judgment the court may, and in case of a defendant who appeared without counsel at the time of the plea the court must, for a good cause shown, permit the plea of guilty to be withdrawn and a plea of not guilty substituted. Upon indictment or information against a corporation a plea of guilty may be put in by counsel. This section shall be liberally construed to effect these objects and to promote justice.

Sec. 8. (1) Every person undergoing a life sentence in the Nebraska Penal and Correctional Complex who, with malice aforethought, commits an assault upon the person of another, other than another inmate, with a deadly weapon or instrument, or by any means of force likely to produce great bodily injury is punishable with death. In cases in which the person subjected to such assault does not die within a year and a day after such assault as a proximate result thereof, or the person so assaulted is another inmate, the punishment shall be imprisonment in the Nebraska Penal and Correctional Complex for life without the possibility of parole for nine years.

(2) For the purpose of computing the days elapsed between the commission of the assault and the death of the person assaulted, the whole of the day on which the assault was committed shall be counted as the first day.

(3) Nothing in the section shall be construed to prohibit the application of this section when the assault was committed outside the walls of any prison if the person committing the assault was undergoing a life sentence in the Nebraska Penal and Correctional Complex at the time of the commission of the assault.

Sec. 9. That sections 29-2519, 29-2521, 29-2522, 29-2524 to 29-2528, and 29-2532 to 29-2546, Revised Statutes Supplement, 1974, are repealed.".

2. In the title strike lines 2 through 9 and insert:

"FOR AN ACT relating to criminal law and procedure; to provide for a mandatory death penalty under certain circumstances as specified; to provide a mandatory sentence of life imprisonment, with or without possibility of parole, as prescribe; to prescribe trial procedures; to specify conditions under which the death penalty shall be imposed; to provide limitations on sentencing; and to repeal sections 29-2519, 29-2521, 29-2522, 29-2524 to 29-2528, and 29-2532 to 29-2546, Revised Statutes Supplement, 1974.".

(Signed) Roland A. Luedtke, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 697A. By Dworak, 22nd District; Savage, 10th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 697, Eighty-fourth Legislature, Second Session, 1976.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 805. Placed on General File as amended.
Standing Committee amendment to LB 805:
1. On page 2, line 23 after "published" insert "once".

(Signed) Dennis L. Rasmussen, Chairman

GENERAL FILE

LEGISLATIVE BILL 519. Considered.

Mr. Rasmussen moved to indefinitely postpone.

Motion pending.

ANNOUNCEMENT

Mr. Syas announced a meeting of the Constitutional Revision and Recreation Committee under the South balcony immediately upon adjournment.

VISITORS

The President introduced 15 members of the American Association of University Women; 11 Phi Beta members from Columbus Platte College; 7 Future Business Leaders of America from Crete, Ravenna, Fairbury, Lincoln, Papillion and Geneva; Ann Masters, State FBLA advisor.

ADJOURNMENT

At 12:00 Noon, on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, February 10, 1976.

Vincent D. Brown
Clerk of the Legislature

TWENTY-FIFTH DAY—FEBRUARY 10, 1976

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 10, 1976

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, we are thrilled at the Olympic accomplishments, and grateful for such achievements. Yet, while we pride ourselves that we learn something every day, we seem to make little progress in spiritual things. No where is our ignorance more tragic. So long have we been riding on the balloon tires of conceit, for our own good we may have to be deflated, that on the rims of humility we may discover the spiritual laws that govern our growth in grace. If our pride has to be punctured, Lord, make it so before we gain too much speed. For the salvation of our souls and the good of our land. In Jesus' name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Nichol who was excused and Messrs. Cavanaugh and Goodrich who were absent until 10:55 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-fourth Day was approved.

REPORT OF EMPLOYEES

During the month of January, 1976, there were 161 full and part-time employees being paid from Fund 1025, Program 121, Legislative Session Services. The total amount paid to these employees was $63,701.82, of which $147.28 was overtime. The figure includes the State's share of OASI and retirement and insurance contributions.

Detailed information is on file in the Accounting and Budgeting Office of the Legislative Council.

STANDING COMMITTEE REPORTS
Government, Military & Veterans Affairs

LEGISLATIVE BILL 787. Placed on General File as amended.
Standing Committee amendments to LB 787:

1. On page 2, line 8 strike "He" and insert "~~He~~ Such officer"; in line 15 strike "chairman" and insert "~~chairman~~ chairperson"; in line 16 strike "chairman" and insert "chairperson"; in line 21 strike "chairmen" and insert "chairpersons"; and in line 22 after "published," insert "at least fifteen days", and strike "days" and insert "date".

2. On page 3, line 6 strike "chairman" and insert "~~chairman~~ chairperson"; and in line 12 strike "his" each time that it appears and insert "~~his~~ such delegate's".

(Signed) Dennis L. Rasmussen, Chairman

Labor

LEGISLATIVE BILL 864. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 10, 1976, at 8:40 a.m., were the following bills: 299 and 275.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 432. Replaced on Select File as amended.
E & R amendments to LB 432:

1. In the Final Reading bill, renumber section 4 as section 3.

2. In the Final Reading bill, page 2, line 8, strike "sections 2 and 3" and insert "section 2".

3. In the title of the Final Reading bill, strike beginning with "to" in line 7 through line 8.

LEGISLATIVE BILL 628. Replaced on Select File as amended.
E & R amendment to LB 628:

1. In committee amendments, page 2, line 11, strike "the".

LEGISLATIVE BILL 704. Replaced on Select File as amended.
E & R amendment to LB 704:

1. In line 4 of E & R 1, strike "1975" and insert "1976".

LEGISLATIVE BILL 579. Placed on Select File as amended.
E & R amendments to LB 579:

1. In the Warner amendment 1, line 1, strike "Long range" and insert "long-range"; in line 2 strike "section" and insert "subsection"; and in line 10 strike "Section 10" and insert "section 10 of this act".
2. On page 5, line 9, strike "records" and insert "record".
3. On page 6, lines 2 and 3, strike "appointed"; in line 16 strike the second comma and insert "and" after the third comma; and in line 17 strike the comma.
4. In the Warner amendment 3, line 3, strike "section" and insert "subdivision"; and in the last line insert "and" after the semicolon.
5. In the Warner amendment 4, strike line 2 and insert "line 7 and insert 'its duties.';"; in line 5 strike "section" and insert "subdivision"; and in line 16 insert a comma after "research".
6. On page 8, line 13, strike the semicolon and insert ", and".
7. In the Warner amendment 5, line 2, strike "sectionas" and insert "subdivision as"; in line 7 strike the comma and insert "; and"; in line 14 strike "such" and insert ", which"; in line 16 strike the first semicolon; in line 17 strike "four new sections" and insert "three new subdivisions"; in line 21 insert a comma after "model"; in line 25 strike "following"; in line 26 strike ": To identify" and insert "of identifying"; and in line 38 strike the period and insert "; and".
8. On page 9, line 27, strike "1975" and insert "1976".
9. On page 10, line 3, insert "by" after "employed".

LEGISLATIVE BILL 669. Placed on Select File as amended.
E & R amendments to LB 669:

1. In lieu of the Nichol amendment, on page 2, lines 5 and 18, and page 3, line 21, strike "forty" and insert "thirty".
2. In the title, line 7, strike "forty" and insert "thirty".

LEGISLATIVE BILL 442. Placed on Select File as amended.
E & R amendments to LB 442:

1. In committee amendments, page 2, line 3, insert a comma after "act"; and strike the comma in line 5.
2. In committee amendments, page 4, line 3, strike "Executive Board" and insert "board".
3. In committee amendments, page 5, strike lines 5 and 6 and insert "applying for funds, aids, or grants; to provide review procedures;".

LEGISLATIVE BILL 678. Placed on Select File as amended.
E & R amendments to LB 678:

1. In committee amendments, strike section 2 as amended and insert:

"Section 1. That sections 39-803.01 to 39-803.06, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In committee amendments, page 2, strike lines 11 to 17 and insert:

"FOR AN ACT to repeal sections 39-803.01 to 39-803.06, Reissue Revised Statutes of Nebraska, 1943, relating to bridges.".

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORT

Constitutional Revision and Recreation

LEGISLATIVE BILL 817. Placed on General File.

(Signed) George Syas, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. Moylan asked unanimous consent to be excused until 10:30 a.m. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 248. Mr. Koch moved to return LB 248 to Select File for the following specific amendment:

Amendments to LB 248

1. Strike original section 8 and insert the following:

"Sec. 8. This act shall not apply to any manufactured housing unit located within the jurisdiction of any city, village, or county which provides for the regulation of such housing units by resolution, ordinance, or regulation which at a minimum is not less stringent than the then current standards and specifications and all subsequent revisions and amendments thereto, approved and adopted by the department, as such standards and specifications apply to the installation of plumbing, heating, or electrical systems in a manufactured housing unit. No such resolution, ordinance, or regulation shall become effective until a certificate of exemption has been issued by the department. Such certificate of exemption shall be available for inspection in the office of the city or county clerk as the case may be.

Sec. 9. If the department shall determine at any time after the issuance of a certificate of exemption that such a resolution, ordinance, or regulation is being enforced in a manner contrary to or inconsistent with the standards mentioned in section 8 of this act, or is otherwise being improperly enforced, in any city, village, or county holding a certificate of exemption, the department may revoke the certificate of exemption and this act shall apply in such city, village, or county until such standards are met and enforced and a new certificate is issued.

Sec. 10. Any city, village, or county desiring a certificate of exemption shall within thirty days after the effective date of this act make application for such certificate by filing a petition for a certificate of exemption with the department. The department shall promptly investigate such petition. If the recommendation of the department is against the granting of a certificate of exemption and the applicant requests that a formal hearing be held, a formal hearing shall be held on the questions of whether the resolution, ordinance, or regulation is at a minimum as stringent as the standards mentioned in section 8 of this act; whether the resolution, ordinance, or regulation is being enforced in a manner contrary to or inconsistent with such standards or is otherwise being improperly enforced; and whether adequate provisions have been made for enforcement. The burden of proof thereof shall be upon the applicant. A like formal hearing shall be held upon any proposed revocation of a certificate of exemption upon the request of the holder thereof. The procedure governing hearings authorized by this section shall be in accordance with the provisions of Chapter 84, article 9, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto. Any final decision of denial or revocation of a certificate of exemption by the department, after opportunity for a formal hearing thereon, shall become final thirty days after a copy thereof is mailed by certified or registered mail, unless the applicant for or holder of the certificate of exemption within such thirty-day period appeals the decision pursuant to the provisions of Chapter 84, article 9, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.".

2. Renumber original sections 9 to 13 as sections 11 to 15 respectively.

The motion lost with 12 ayes, 27 nays and 10 not voting.

LEGISLATIVE BILL 248.

A BILL FOR AN ACT to adopt the Nebraska Uniform Standards for Manufactured Housing Units Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Clark
Cope
DeCamp
Dickinson
Duis
Fowler
George
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Mills
Murphy
Rasmussen
Stoney
Stull
Warner
Wiltse

Voting in the negative, 10:

Chambers
Dworak
Fitzgerald
Koch
F. Lewis
Rumery
Schmit
Simpson
Skarda
Syas

Not voting, 8:

Cavanaugh
Goodrich
Johnson
Mahoney
Moylan
Nichol
Savage
Swigart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 348. Mr. Barnett moved to return LB 348 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Mills moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 3 nays and 16 not voting.

The motion to return LB 348 to Select File lost with 24 ayes, 14 nays and 11 not voting.

LEGISLATIVE BILL 348.

A BILL FOR AN ACT relating to motor vehicles; to prohibit certain alterations; and to provide penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 16:

Burbach
Carsten
Chambers
George
Hasebroock
Johnson
Kelly
Keyes
Kime
Marsh
Murphy
Skarda
Stull
Swigart
Syas
Wiltse

Voting in the negative, 26:

Anderson
Barnett
Bereuter
Burrows
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
Kennedy
Koch
Kremer
F. Lewis
Luedtke
Maresh
Marvel
Mills
Rasmussen
Rumery
Schmit
Simpson
Stoney
Warner

Not voting, 7:

Cavanaugh
Goodrich
R. Lewis
Mahoney
Moylan
Nichol
Savage

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 499. Mr. Maresh asked unanimous consent to bracket until March 1, 1976. No objections. So ordered.

LEGISLATIVE BILL 655.

A BILL FOR AN ACT to amend section 24-620, Reissue Revised Statutes of Nebraska, 1943, relating to employees' trust plans; to require that the trustee of such plans be licensed to do business in this state; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson Barnett Bereuter Burbach Burrows
Chambers Clark Cope DeCamp Dickinson
Duis Dworak Fitzgerald Fowler George
Hasebroock Johnson Kelly Kennedy Keyes
Kime Koch Kremer F. Lewis R. Lewis
Luedtke Maresh Marsh Marvel Mills
Murphy Rasmussen Rumery Schmit Simpson
Skarda Stoney Stull Swigart Syas
Warner

Voting in the negative, 0.

Not voting, 8:

Carsten Cavanaugh Goodrich Mahoney Moylan
Nichol Savage Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 657.

A BILL FOR AN ACT to repeal section 16-705, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson Barnett Bereuter Burbach Burrows
Carsten Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald Fowler
George Hasebroock Johnson Kelly Kennedy
Keyes Kime Kremer F. Lewis R. Lewis
Luedtke Maresh Marsh Rasmussen Rumery
Schmit Simpson Skarda Stoney Stull
Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 10:

Cavanaugh	Goodrich	Koch	Mahoney	Marvel
Mills	Moylan	Murphy	Nichol	Savage

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 717.

A BILL FOR AN ACT to amend sections 37-212 and 81-815.34, Reissue Revised Statutes of Nebraska, 1943, relating to the Game and Parks Commission; to provide that the commission may establish change cash funds; to provide procedures; to provide duties of the commission; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	Bereuter	Burbach	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Koch	Kremer	R. Lewis	Luedtke	Maresh
Marsh	Mills	Murphy	Rasmussen	Rumery
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 3:

Burrows	F. Lewis	Marvel

Not voting, 7:

Cavanaugh	Goodrich	Kime	Mahoney	Moylan
Nichol	Savage			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MESSAGES FROM THE GOVERNOR

February 9, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 91, 445, 502, 514, 561, 622, 640, 641, and 651.

These bills were signed by me on February 9, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

February 9, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown

We have received Engrossed Legislative Bill No. 382.

This bill was signed by me on February 9, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

February 10, 1976

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith LB 177 without my signature and with my objections.

This ill-advised legislation passed by your body would dramatically penalize Nebraska citizens by increasing interest rates collected by banks and similar financial institutions engaged in monthly installment loans for all purposes.

The measure would certainly cost Nebraska borrowers millions in additional interest.

At a time when wholesale interest rates (the prime rate) charged the largest and most affluent borrowers are being reduced, it is inconceivable that the Legislature should sanction much higher rates for the average borrower.

I say, "No, no, a thousand times no!"

This measure is so unfair on its face that I am amazed it was even introduced let alone passed by a margin of 31 to 17 in the first instance and then by 29 to 17.

It would not surprise me if the prime legislative supporters and their lobbyist friends would attempt an override of this veto since they nearly have the necessary votes if all can be held in line.

Certainly there must be enough Senators who would not repeat their previous actions in this regard and sustain the Governor's rejection.

Here is still another case where the Legislature voided its vaunted public hearing policy by significantly changing the impact of the bill by amendment after public hearing.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

February 10, 1976

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith LB 477 without my signature and with my objections.

This is the small loan interest rate increase that obviously was passed in tandem with LB 177.

It is also unfair legislation for Nebraskans and is vetoed for the same reasons as stated in my message to you of this same date regarding LB 177.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

SELECT FILE

LEGISLATIVE BILL 503. Mr. Fowler renewed his pending amendment found in the Journal on page 596 for the Twenty-fourth Day. The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Fowler offered the following amendment:
16. On page 16, line 11, strike ", and to arrive
at its decision." and insert "."

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Chambers offered the following amendment:
To amend Committee Amendment of LB 503 at Section 18 page 12, line 3:
Strike "shall"; insert "may".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment with 26 ayes, 7 nays and 16 not voting.

LEGISLATIVE BILL 649. E & R amendment found in the Journal on page 588 for the Twenty-fourth Day was adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORT

Education

LEGISLATIVE BILL 761. Placed on General File as amended.
Standing Committee amendments to LB 761:
1. On page 3, strike beginning with "(b)" in line 17 through "years," in line 18 and show as stricken; in line 18 strike "(c)" and insert "~~(c)~~ (b)" and strike "crippled," and show as stricken; and in line 22 strike "(d)" and insert "~~(d)~~ (c)".
2. On page 9, strike beginning with "for" in line 9 through "year" in line 10 and show as stricken; in line 10 after the second "in" insert "appropriate", and after "activities" insert "; and"; strike line 11 and show as stricken; in line 13 strike "not more than two" and show as stricken; in line 18 after "teaching"

insert "or special services"; and in line 20 after the period insert "If such teacher is serving children with more than one handicap, qualified teacher shall mean an individual holding a valid State of Nebraska teaching or special services certificate with an endorsement in at least one of the handicaps served.".

3. On page 10, line 1 strike "operated or" and show as stricken.

4. On page 16 insert a new section as follows:

"Sec. 10. Any district board or board of education may and is hereby encouraged to establish special education programs for handicapped children below the age of five which it deems beneficial to the education of such children. Attendance at such programs shall be voluntary. Any school district which establishes programs pursuant to this section shall not be eligible for reimbursement of excess costs for such programs as would otherwise be provided in section 43-648.".

5. On page 16, lines 19 and 20 strike "one member" and insert "two members".

6. On page 20, line 22 after "individual" insert "or school district".

7. Renumber original sections 10 to 18 as sections 11 to 19 respectively.

(Signed) Frank Lewis, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 464 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 464

1. In the DeCamp amendments printed in the Legislative Journal on page 478, insert two new sections as follows:

"Sec. 16. Tickets or shares for any lottery operated in compliance with this act by any incorporated city or village in the state may be sold statewide.

Sec. 17. Lotteries operated by schools, fraternal organizations, and religious organizations for fund raising purposes shall be exempt from the provisions of this act.".

2. Renumber original sections 16 to 21 of the DeCamp amendments as sections 18 to 23 respectively.

ATTORNEY GENERAL'S OPINION

Opinion No. 175
February 9, 1976

Dear Senator Dworak:

You have asked if the amendment to LB 878 of the Eighty-fourth Legislature, Second Session, is constitutional. That amendment declares:

> "Sec. 3. No more than three members of the school board of Class II, III, IV and V school district shall be resident electors in the incorporated municipal area of the independent district if at least forty per cent of the population of the district lives outside the incorporated area of the district, and no more than four members of the school board shall be resident electors of the incorporated minicipal area of the district if at least twenty per cent of the population of the district lives outside the incorporated area of the district. In the event the number of members to serve on such school board is increased to more than five, the additional members, as nearly as can be accomplished shall be in the proportions as hereinbefore set forth."

In connection with the above quoted amendment, it should be observed that the board of education of Class II, III, and IV school districts usually consists of six members and that the board of education of Class V school districts usually consist of twelve members. It should also be observed that under the amendment quoted above no more than three members of the board of education may be resident electors in the incorporated municipal area of the independent district if at least forty per cent of the population of the district lives outside the incorporated municipal area of the district. Thus in theory forty percent of the electors could elect at least half of the members of the board of education. Consequently under the constitutional principle of one man one vote we are of the opinion that the constitutionality of the above quoted amendment would be difficult, if not impossible, to defend.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Member Excused

Mr. Clark asked unanimous consent to be excused Thursday morning, February 12, 1976. No objections. So ordered.

MOTION—Suspend Rules

Mr. Savage moved to suspend the rules (Rule 3, Sec. 5) and to permit the Committee on Committees to hold a hearing as per the attached notice.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

NOTICE OF COMMITTEE HEARING
Committee on Committees

The Committee on Committees will meet at 12:00, Noon, Friday, February 13th, 1976, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing the following appointment by Governor J. J. Exon.

Dr. James Thayer – Nebraska Arts Council

(Signed) John S. Savage, Chairman

MOTION—Approve Governor Appointments

Mr. Savage moved the confirmation of the Governor appointments of Messrs. Reeves, Hanson, Magnusson, Hyde, Mead, Meierhenry, Nisley, Pesek and Swing found in the Journal on pages 564, 565 and 579.

Voting in the affirmative, 34:

Bereuter Burbach Burrows Clark Cope
DeCamp Dickinson Duis Fowler George
Goodrich Hasebroock Johnson Kennedy Keyes
Kime Koch F. Lewis R. Lewis Luedtke
Mahoney Maresh Marvel Mills Moylan
Murphy Savage Simpson Skarda Stoney
Stull Swigart Syas Warner

Voting in the negative, 0.

Not voting, 15:

Anderson Barnett Carsten Cavanaugh Chambers
Dworak Fitzgerald Kelly Kremer Marsh
Nichol Rasmussen Rumery Schmit Wiltse

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

The Chair declared the appointments confirmed.

GENERAL FILE

LEGISLATIVE RESOLUTION 106. Considered.

Mr. Barnett asked unanimous consent to withdraw his name from LR 106. No objections. So ordered.

Mr. F. Lewis offered the following amendment:
Add new section 3.
In order to reduce excessive federal spending each and every department's, division's and agency's budget shall be reduced by 10%.

The amendment lost with 12 ayes, 22 nays and 15 not voting.

Mr. Chambers offered the following amendment:
Strike 5th "Whereas"

The amendment lost with 14 ayes, 18 nays and 17 not voting.

Motion to advance pending.

ANNOUNCEMENT

Mr. DeCamp announced a Rules Committee meeting after adjournment today in Room 1019.

VISITORS

The President introduced 11 kindergarten through eighth grade students and sponsors from Broken Bow; 16 third and fourth grade students and teacher from Lincoln Christian School; 50 fifth and sixth grade students and sponsors from Riley Elemetary School, Lincoln; 75 Nebraska State P.T.A. Ladies; 10 Chadron State College students and teacher; 7 Jr. High students and sponsor from Robin Mickle and teacher; 16 junior and senior students and teacher from Deshler; and Dr. G. Burloi, Vice Director to the Minister of Education from Rumania, his interpreter, Mr. A. Schlesinger, and escort, Mrs. E. Blunn.

ADJOURNMENT

At 12:08 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, February 11, 1976.

Vincent D. Brown
Clerk of the Legislature

TWENTY-SIXTH DAY—FEBRUARY 11, 1976

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE SECOND SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 11, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, our Father, we are grateful for leaders of the past who stand out as peaks among the foothills. May we not by mere repetition lose the message that "we hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights, among which are life, liberty and the pursuit of happiness."
>
> As it becomes evident that freedoms and ideals are never won once and for all, but must require continual vigilance, may this body dedicate itself to the goals which have made our nation great, and apply them in present decisions.
>
> In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Mahoney and Skarda who were excused; Mr. Cavanaugh who was absent until 9:20 a.m.; and Mr. Koch who was absent until 9:45 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-fifth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. R. Lewis asked unanimous consent to be excused Thursday, February 12, 1976. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 649.

Correctly Enrolled

The following bills were correctly enrolled: 248, 655, 657, and 717.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 248, 655, 657 and 717.

ATTORNEY GENERAL'S OPINION

Opinion No. 176
February 6, 1976

Dear Senator DeCamp:

You have inquired of this office for an opinion of the constitutionality of the amendments to LB 204.

LB 204 is a carry over bill from the 1975 session of the Nebraska Legislature. At the time of its original introduction the bill provided for a minimum mark up, by a retailer, of fifteen percent over his cost of alcoholic liquor items purchased from a wholesaler. One amendment to the bill strikes fifteen percent and substitutes zero percent as the price below which a retailer may not sell his alcoholic liquor items. The question presented is whether this is in effect a price fixing law and, if so, is the same constitutional.

Our Supreme Court has on several occasions ruled on price fixing laws. In Terry Carpenter Inc. vs. Nebraska Liquor Control Commission, 175 Neb. 26, 120 N.W. 2d, 374, our court stated:

> "The Legislature of Nebraska in 1937 enacted what was designated as the Fair Trade Act. In McGraw Electric Co. v. Lewis & Smith Drug Co., Inc., 159 Neb. 703, 68 N.W. 2d 608, after reviewing certain sections of the act, this court said: "On its face the act is a price-fixing act, not, it is true, one wherein the Legislature itself has assumed to fix prices, but one wherein it delegates to the extent and under conditions named that power without restriction or reservation to private parties.

> "This court has said that in the absence of appearance of public interest the Legislature may not itself impose prices. Boomer v. Olsen, 143 Neb. 579, 10 N.W. 2d 507. May it constitutionally confer upon others a right which it does not itself possess?"

The Supreme Court also stated in the same case:

> "In Nelson v. Tilley, 137 Neb. 327, 289 N.W. 388, 126 A.L.R. 729, this court held: "The legislature, under the guise of regulation may not indulge in arbitrary price fixing, the destruction of lawful competition, or the creation of trade restraints tending to establish a monopoly."***

Provisions setting a selling price at zero percent is no different than setting a selling price at fifteen percent or at any other percent of the cost of the product. The ultimate end is fixing a price below which a product may not be sold and if it be at cost or at a profit is immaterial.

The same objections that the court found present in the Terry Carpenter case to strike down Rule 46 of the Liquor Control Commission, which was a price fixing rule, are present in this amendment to LB 204. The legislature is not determining a reasonable price at which a product should be sold. The power to fix the price is actually within the power of the wholesaler who initially posts a price with the Liquor Commission and which wholesaler may, under various provisions of the Liquor Commission laws, raise or lower the price of its product. It is the wholesalers determination that dictates the price that the retailer must ultimately sell to the consumer. The power to fix a price is vested in an interested person who is not an official. There is no review of the action of the interested person, nor is he required to consult with any one and in no sense is he required to take into consideration the price of the article or the reasonableness thereof.

Even though the Liquor Control Act in section 53-1,118, states that the Act is to be liberally construed to protect the health, safety and welfare of the people of the State of Nebraska, it is difficult to conceive, under any guise, that price fixing would ensure, partially or fully, the health, safety and welfare of the citizens of our State.

Therefore, for the reasons set forth in the Carpenter case and the cases cited therein, we believe the provisions on price fixing to be unconstitutional.

An additional amendment to LB 204, requires a license issued to a husband and wife, at their request, to be held as joint jenants (sic) with right of survivorship. Although this then designates this type of license as a property right, completely opposite of the theory of no property rights in licenses, as provided by section 53-149 found in the Liquor Control Act, we believe that this classification is within the authority of the Legislature.

A husband and wife are distinctly different than an individually named license holder or two or more non-related persons holding a license or of a corporation and classification of this nature would be reasonable.

In Safeway Stores, Inc. vs. Nebraska Liquor Control Commission, 179 Neb. 817, 140 N.W. 2d 668, our court on ruling on classifications rules exempting hotels containing twenty-five or more sleeping rooms stated:

> ***"The hotel has such differences in the operation of its business from that of the chain store that the basis exists for its exclusion from the limitation of the number of licenses in the hands of a single entity is also a reasonable one which the Legislature in its wisdom may grant or refuse. The applicable rule is stated in State ex rel. Meyer vs. Knutson, supra."

An additional amendment to section 53-165 provides that reports filed by the wholesaler, of their sales of alcoholic liquor, to the Commission, are designated as public records. The amendment though, limits the distribution of the information by the Commission when the identity of the persons or businesses are revealed without first securing expressed permission of such person or business of the release of the information. This amendment is ambiguous and of doubtful meaning and therefore may be difficult to defend on the basis of constitutionality. The legislature in designating the reports as public records and permitting the withholding of the information leaves the amendment without meaning.

Respectfully yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Robert R. Camp
Assistant Attorney General

RRC:tf
cc: Vincent D. Brown,
Clerk of the Legislature

UNANIMOUS CONSENT—Bracket LB 204

Mr. DeCamp asked unanimous consent to bracket LB 204 on E & R Final. No objections. So ordered.

MOTION—Introduce Bill

Mr. Barnett moved the introduction of a new bill by the Executive Board. (Req. No. 1489)

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 998. By Executive Board: Mahoney, 5th District, Chairman; Kelly, 35th District; Barnett, 26th District; Schmit, 23rd District; Savage, 10th District; Rasmussen, 41st District; Burbach, 19th District.

A BILL FOR AN ACT relating to state agencies; to authorize participation in the federal excess property program; and to authorize the purchase of certain insurance policies as prescribed.

REFERENCE COMMITTEE REPORT

LB	**Committee**
LB 998	General File

(Signed) Wally Barnett

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Kremer asked unanimous consent to move the Public Works hearing this afternoon from the East Chamber to the West Chamber this afternoon immediately after the Public Power Study presentation. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 413.

A BILL FOR AN ACT to amend sections 53-131, 53-132, 53-133, and 53-1,116, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Liquor Control Commission; to extend the time for filing protests; to provide for a hearing after withdrawal of a protest; to provide for costs; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Chambers	Clark	Cope	DeCamp

Dickinson Duis Dworak Fitzgerald Fowler
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kremer F. Lewis R. Lewis Luedtke
Maresh Marsh Mills Moylan Murphy
Nichol Rasmussen Rumery Savage Schmit
Simpson Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 0.

Not voting, 7:

Cavanaugh George Kime Koch Mahoney
Marvel Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 431.

A BILL FOR AN ACT relating to personal property; to require that a color photograph be kept of persons pawning, pledging, mortgaging, or selling goods or articles to pawnbrokers or chattel loan brokers; and to provide for the return of stolen property to the owner.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson Barnett Bereuter Burbach Burrows
Carsten Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fowler George
Hasebroock Johnson Kelly Kennedy Keyes
Kremer F. Lewis R. Lewis Luedtke Maresh
Marsh Marvel Mills Moylan Murphy
Nichol Rasmussen Savage Schmit Stoney
Stull Swigart Syas Warner Wiltse

Voting in the negative, 4:

Goodrich Kime Rumery Simpson

Not voting, 5:

Cavanaugh Fitzgerald Koch Mohoney Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 460. With Emergency.

A BILL FOR AN ACT relating to aeronautics; to define and redefine terms; to change duties and authority; to eliminate provisions for licensing of air schools; to provide for temporary permits; to change provisions for tuition payments; to amend sections 3-101, 3-104, 3-105, 3-111, 3-128, 3-139, 3-150, and 79-446.01, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections, and also section 3-132, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 3:

Koch
Mahoney
Skarda

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 635. With Emergency.

A BILL FOR AN ACT to amend sections 81-8,274 and 81-8,275, Revised Statutes Supplement, 1974, relating to the Nebraska American Revolution Bicentennial Commission; to provide for the production and sale of commemorative items; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Chambers	Koch	Mahoney	Skarda

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 675.

A BILL FOR AN ACT to amend section 77-1804, Revised Statutes Supplement, 1974, relating to the collection of delinquent real estate taxes by sale of real estate; to raise publication charges; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 1:

Chambers

Not voting, 5:

Burbach Keyes Koch Mahoney Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 696. With Emergency.

A BILL FOR AN ACT to amend section 23-160.01, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to extend provisions to all counties; to allow the county board discretion to set the interest rate on money borrowed to satisfy warrants as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson Barnett Bereuter Burbach Carsten
Cavanaugh Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald Fowler
George Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime F. Lewis R. Lewis
Luedtke Maresh Marsh Mills Moylan
Murphy Nichol Rasmussen Rumery Savage
Schmit Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 1:

Simpson

Not voting, 6:

Burrows Koch Kremer Mahoney Marvel
Skarda

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 826. Placed on General File.
LEGISLATIVE BILL 841. Placed on General File.
LEGISLATIVE BILL 911. Placed on General File.
LEGISLATIVE BILL 777. Indefinitely postponed.

(Signed) Loran Schmit, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 202 in the Journal. No objections. So ordered.

AMENDMENTS TO THE WARNER AMENDMENTS TO LB 202

1. In the Warner amendment page 304 of the Journal, line 10 after the underscored period insert "Each county shall, when preparing its proposed budget statement, include calculations to reflect adjustments in required expenditures as required by this section. Such calculations shall show whether the reductions in county participation for medical assistance expenditures also provide a corresponding reduction in the mill levy required.".

PRIORITY BILLS

Speaker Burbach moved the adoption of the schedule on priority bills found in the Journal on page 582.

Mr. Schmit offered the following amendment to the schedule:
To amend the proposal on Page 582 by Speaker Burbach as follows in the last paragraph strike the words "after priority bills have been heard" and insert the words "at any time"

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Burbach offered the following amendment:
To change the schedule on Constitutional amendments to read Final Reading deadline for Primary ballot for constitutional amendments February 26.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Speaker Burbach offered the following amendment:

Rather than saying that "A committee may request a priority bill without cost or reflection to the individual member making said request--one per committee" (a committee may designate a particular subject matter and group all bills relating to it for General File discussion at the same time. Examples – medical malpractice, revision of criminal code)

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

The amended schedule was adopted with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 76. Mr. Schmit asked unanimous consent to bracket until March 1, 1976. No objections. So ordered.

LEGISLATIVE BILL 432. E & R amendments found in the Journal on page 609 for the Twenty-fifth Day were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 628. E & R amendment found in the Journal on page 609 for the Twenty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 704. E & R amendment found in the Journal on page 610 for the Twenty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 579. E & R amendments found in the Journal on page 610 for the Twenty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 669. E & R amendments found in the Journal on page 610 for the Twenty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 442. E & R amendments found in the Journal on page 611 for the Twenty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 678. E & R amendments found in the Journal on page 611 for the Twenty-fifth day were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE RESOLUTION 106. Considered.

Mr. F. Lewis moved to indefinitely postpone.

The motion lost with 4 ayes, 27 nays and 18 not voting.

Mr. Chambers offered the following amendment:
To amend LR 106:
Add: When the total of all estimated federal revenue for a given fiscal year is insufficient to allow for payment on the national debt, that unpaid portion of the national debt shall be repudiated.

The amendment lost with 2 ayes, 20 nays and 27 not voting.

Mr. Chambers offered the following amendment:
To amend LR 106:
Add: The amount of federal aid to each state shall be in proportion to each state's contribution to the federal treasury.

The amendment lost with 2 ayes, 19 nays and 28 not voting.

Mr. Cavanaugh offered the following amendment:
Amend LR 106:
Striking Sec. 1, 2, 3, and 4 of the Resolved and add the following:
The Nebraska Legislature urges the Congress to pursue a policy of fiscal reform which would result in a Balanced Budget within five years.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 18 ayes, 17 nays and 14 not voting.

The Call showed 47 members present.

Mr. Cavanaugh requested a roll call vote.

Mr. Warner requested a record vote.

Voting in the affirmative, 15:

Bereuter Burrows Cavanaugh Fitzgerald Fowler

Keyes Kremer F. Lewis Luedtke Marsh
Marvel Mills Moylan Rumery Syas

Voting in the negative, 29:

Anderson Burbach Carsten Chambers Clark
Cope DeCamp Dickinson Dworak George
Goodrich Hasebroock Johnson Kelly Kennedy
Kime Koch R. Lewis Maresh Murphy
Nichol Rasmussen Savage Schmit Stoney
Stull Swigart Warner Wiltse

Not voting, 5:

Barnett Duis Mahoney Simpson Skarda

The amendment lost with 15 ayes, 29 nays and 5 not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed.

Mr. F. Lewis offered the following amendment:
Strike all Language and insert The Nebraska Legislature, as provided for in Article V of the United States Constitution, makes application for a constitutional convention.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 6 nays and 19 not voting.

Mr. Cavanaugh requested a record vote on the F. Lewis amendment.

Voting in the affirmative, 9:

Burrows Chambers DeCamp Fitzgerald F. Lewis
Luedtke Rumery Savage Syas

Voting in the negative, 17:

Cavanaugh Dworak Fowler George Kelly
Kennedy Keyes Kime Koch Kremer
R. Lewis Moylan Murphy Stoney Stull
Swigart Warner

Not voting, 23:

Anderson Barnett Bereuter Burbach Carsten
Clark Cope Dickinson Duis Goodrich

Hasebroock	Johnson	Mahoney	Maresh	Marsh
Marvel	Mills	Nichol	Rasmussen	Schmit
Simpson	Skarda	Wiltse		

The amendment lost with 9 ayes, 17 nays and 23 not voting.

MESSAGE FROM THE GOVERNOR

February 10, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 30, 30A, 180, 180A, and 441, and Reengrossed Legislative Bill No. 299.

These bills were signed by me on February 10, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 918. Indefinitely postponed.
LEGISLATIVE BILL 923. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

Labor

LEGISLATIVE BILL 677. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 579A. By F. Lewis, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 579, Eighty-fourth Legislature, First Session, 1975; and to declare an emergency.

MOTION—Rule Change

Mr. DeCamp offered the following rule change:

1. Amend the Rules of the Nebraska Unicameral, Rule 5, section 1, by adding a new paragraph as follows:

"The titles of bills having the sole purpose of repeal of existing sections of law shall set forth the subject matter of the sections being repealed.".

Referred to the Rules Committee.

UNANIMOUS CONSENT—Print in Journal

Speaker Burbach asked unanimous consent to print the following amendments to LB 174 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 174

1. Strike sections 1 to 4 and insert:

"Section 1. (1) For the purpose of administration of the Commission on Indian Affairs during the interim between its regular quarterly meetings, there is hereby established an executive board of the Commission on Indian Affairs consisting of the chairman of the commission, two members representing the reservations, one member representing the urban areas, and one member who represents the western Nebraska areas or is the member at large.

(2) The executive board shall have the authority to enter into contracts for consultation services, supplies and equipment if the amount contracted for does not exceed the sum of two thousand dollars in any one contract, and to supervise all programs relating to the affairs of Indian tribes instituted and authorized by the commission.

Sec. 2. That section 81-1219, Revised Statutes Supplement, 1974, be amended to read as follows:

81-1219. (1) The commission shall meet at least ~~monthly~~ once every calendar quarter. Meetings shall be held on the first Friday of January, April, July, and October. If such day is a holiday, or if the commission is prevented from meeting on such day, the meeting shall be held on the following Friday. Special meetings may be called at the request of ~~nine~~ eight members. Eight members shall constitute a quorum. The commission shall make a report annually to the Legislature and the Governor as to the work and accomplishments of the commission.

(2) Any member of the commission who, without a valid excuse, fails to attend quarterly or special meetings shall be terminated as a member of the commission and a successor shall be appointed to complete the term of office.

Sec. 3. That original section 81-1219, Revised Statutes Supplement, 1974, is repealed.".

GENERAL FILE

LEGISLATIVE RESOLUTION 106. Considered.

Mr Murphy moved to advance LR 106.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays and 18 not voting.

Mr. Kelly requested a record vote.

Voting in the affirmative, 30:

Anderson Burbach Carsten Chambers Clark
Cope DeCamp Dickinson Dworak Kelly
Kennedy Keyes Kime Koch Kremer
R. Lewis Maresh Marsh Marvel Moylan
Murphy Nichol Rasmussen Rumery Schmit
Stoney Stull Swigart Warner Wiltse

Voting in the negative, 5:

Cavanaugh Fowler F. Lewis Luedtke Simpson

Not voting, 14:

Barnett Bereuter Burrows Duis Fitzgerald
George Goodrich Hasebroock Johnson Mahoney
Mills Savage Skarda Syas

Advanced to E & R for Review with 30 ayes, 5 nays and 14 not voting.

LEGISLATIVE BILL 817. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

MOTIONS–Introduce Bills

Mr. Fowler moved the introduction of a new bill by the Committee on Urban Affairs. (Req. 1467).

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Warner moved the introduction of a new bill by the Committee on Banking, Commerce and Insurance. (Req. 1453).

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 999. By Urban Affairs Committee: Fowler, 27th District, Chairman; Hasebroock, 18th District; Burrows, 30th District; Swigart, 8th District; Stoney, 4th District.

A BILL FOR AN ACT relating to the release of a reversionary interest; to permit the Governor to release the reversionary interest in a certain public way; and to declare an emergency.

LEGISLATIVE BILL 1000. By Banking, Commerce and Insurance Committee: Murphy, 17th District, Chairman; Swigart, 8th District; Wiltse, 1st District; Hasebroock, 18th District; Warner, 25th District.

A BILL FOR AN ACT to amend section 21-2014, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to provide that a corporation may limit or deny voting rights to certain classes of stock; and to repeal the original section.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 630. Placed on General File as amended.
Standing Committee amendments to LB 630:

1. On page 5, line 14 after "as the" insert "chairman or", strike lines 19 through 26, on page 6 strike lines 1 through 4, and insert the following:

"(3) Two members of the Board of Parole shall be nominated and serve as part-time members, who shall have demonstrated a concerned understanding of the needs in penal reform.

(4) At least one member of the board shall be of a minority group; at least one member shall be a woman; and at least one member shall be a former inmate of a correctional institution in this state who has demonstrated a concerned understanding of the needs in penal reform.

(5) Nothing in this section shall be construed to restrict the nomination of a minority group member, a woman, or a former inmate of a correctional institution to serve as a full-time member of the board.".

2. On page 6, line 6 strike "six" and insert "four"; line 9 after "each" strike ", two" and insert "and three"; line 10 after "each" insert

a period and strike ", and one member shall be nominated to a term of six years."; line 12 after "expires" insert ", but members shall not serve longer than two consecutive terms".

3. A. On page 7, line 2 after "possess" insert "either (a)"; line 3 after "experience insert ", or (b) clinical training and practical experience in an amount deemed by the nominating commission as sufficient to replace an academic degree,";

B. On page 7, line 18 after "party" insert a period and strike ", organization,"; strike line 19;

C. On page 7 strike lines 20 through 22 and insert the following:

"Sec. 9. (1) The chairman of the Board of Parole shall receive an annual salary equal to the maximum salary paid to a judge of a county court in this state. The other full-time members of the board shall receive an annual salary equal to three-fourths of that paid to the chairman.";

D. On page 7, line 26 after "board" insert "other than the chairman".

(Signed) Dennis L. Rasmussen, Chairman

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on Resolution 106.

(Signed) Jack Mills

VISITORS

The President introduced 24 tenth through 12th grade students from the West Point State Government class; 12 Kearney High School students and sponsors; 15 fourth grade students and sponsors from Trinity Lutheran School, Lincoln; 75 fifth and sixth grade students from Riley Grade School, Lincoln and teacher.

ADJOURNMENT

At 11:47 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, February 12, 1976.

Vincent D. Brown
Clerk of the Legislature

TWENTY-SEVENTH DAY—FEBRUARY 12, 1976

LEGISLATIVE JOURNAL

TWENTY-SEVENTH DAY—FEBRUARY 12, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 12, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

The Chaplain announced that yesterday was Senator George Syas' birthday.

PRAYER

The prayer was offered by the Chaplain.

> We are grateful for the lives of men and women who serve the needs of their times. The life of Abraham Lincoln speaks to us of the possibilities of our own lives. As we celebrate his birthday we would ask of Thee to help us to acquire his spirit of compassion, patience, and courage. Help us also to respond to the cries for help and guidance in our own times; this day is such a time; give us then a right spirit for the cries of this day. We ask for this in the Name of Thy loving Son, Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Cope and R. Lewis who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-sixth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 503. Replaced on Select File as amended.
E & R amendments to LB 503:

1. In the Fowler amendments, page 4, line 9, insert "or" after the comma; and in lines 11 and 23, strike

the comma.

2. In the Fowler amendments, page 5, line 18, strike "outlined" and insert "provided"; in line 22, insert a comma after "parents".

3. In the Fowler amendments, page 6, line 1, insert "legal" after "Any"; and in line 5, strike ". However," and insert ", but".

4. In the Fowler amendments, page 6, line 14, strike the first "and" and insert "or".

(Signed) Donald N. Dworak, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1001. By Kelly, at request of Governor.

A BILL FOR AN ACT to amend section 48-649, Reissue Revised Statutes of Nebraska, 1943, and section 48-628, Revised Statutes Supplement, 1975, relating to employment security; to revise the period of disqualification applicable to individuals claiming unemployment benefits; to revise the rate of contributions applicable to employers whose experience account exhibits a negative balance; to repeal the original sections; and to declare an emergency.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 585.

A BILL FOR AN ACT to amend sections 77-2002, 77-2003, 77-2005, 77-2007, 77-2010, 77-2014, 77-2018, 77-2019, 77-2020, 77-2024, 77-2027, 77-2028, 77-2029, 77-2030, 77-2101.01, and 77-2102, Reissue Revised Statutes of Nebraska, 1943, sections 24-519 and 77-2037, Revised Statutes Supplement, 1974, and sections 77-2004 and 77-2018.02, Revised Statutes Supplement, 1975, relating to inheritance tax; to provide a comprehensive revision of existing statutes as prescribed; to update procedures; to provide duties of the county court; to provide an operative date; and to repeal the original sections, and also section 77-2016, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Koch	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Clark	Cope	Fowler	Kime	R. Lewis
Marvel				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 629.

A BILL FOR AN ACT to amend section 24-522, Revised Statutes Supplement, 1974, relating to Small Claims Court; to change provisions relating to jurisdiction as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kime	Koch	Kremer	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 3:

Clark	Cope	R. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 202. Mr. Stull asked unanimous consent to bracket until March 23, 1976. No objections. So ordered.

UNANIMOUS CONSENT–Members Excused

Mr. Kremer asked unanimous consent to be excused at 10:15 a.m. No objections. So ordered.

Mr. Fitzgerald asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Keyes asked unanimous consent to be excused for a short time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 666. Title read. Considered.

Standing Committee amendment found in the Journal on page 467 for the Eighteenth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Chambers offered the following amendment:
To amend LB 666:
Page 2, Line 17 strike all of Subparagraph (2)
Pages 2 and 3 strike all new language, reinstate original language.

The amendment lost with 11 ayes, 18 nays and 20 not voting.

MR. MAHONEY PRESIDING

Advanced to E & R for Review with 27 ayes, 8 nays and 14 not voting.

REFERENCE COMMITTEE REPORT

LB	Committee
999	Urban Affairs
1000	Bkg. Comm. & Ins.
1001	Labor

(Signed) Eugene T. Mahoney, Chairman

PRESIDENT WHELAN PRESIDING

EXECUTIVE SESSION

Senator Fowler announces that the Urban Affairs Committee will have an Executive Session, Wednesday, February 18, 1976 at 2:00 p.m. in the East Senate Lounge, Room 2230.

UNANIMOUS CONSENT—Change of Hearing Room

The Nebraska Retirement Systems Committee requests permission to move their public hearing on Friday, February 13, 1976 at 12:00 noon from room 1019 to the East Senate Chamber. No objections. So ordered.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 852. Placed on General File.

LEGISLATIVE BILL 920. Placed on General File as amended.
Standing Committee amendment to LB 920:

1. On page 2, line 9 strike the new matter; in line 11 after the first "school" insert "in this state"; and in line 16 after the period, insert "When the school attended is outside this state, the board of education may pay the regular high school tuition or such portion thereof as may be agreed upon by the respective governing bodies.".

(Signed) Frank Lewis, Chairman

Public Works

LEGISLATIVE BILL 795. Placed on General File.
LEGISLATIVE BILL 950. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

Appropriations

LEGISLATIVE BILL 903. Placed on General File as amended.
Standing Committee amendments to LB 903:
(Printed separate from the Journal and on file in the Clerk's office)

LEGISLATIVE BILL 975. Indefinitely postponed.
LEGISLATIVE BILL 976. Indefinitely postponed.
LEGISLATIVE BILL 979. Indefinitely postponed.
LEGISLATIVE BILL 980. Indefinitely postponed.

(Signed) Richard D. Marvel, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 432.

Correctly Engrossed

The following bills were correctly engrossed: 442, 579, 628, 669, 678, and 704.

Correctly Enrolled

The following bills were correctly enrolled: 413, 431, 460, 635, 675, and 696.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 413, 431, 460, 635, 675, and 696.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 12, 1976, at 9:45 a.m., were the following bills: 248, 655, 657, and 717.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Committee on Committees

February 11, 1976

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. J. Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

John W. Cattle
Advisory Committee to the Department of Economic Development

No one appeared in support and no one appeared in opposition to Mr. Cattle's appointment.

Committee Vote: For: (8) Senators Duis, Hasebroock, Keyes, Kime, Koch, Marsh, Savage and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Clark, DeCamp, Kelly and Skarda.

Mr. W. W. Cook
Advisory Committee to the Department of Economic Development

No one appeared in support and no one appeared in opposition to Mr. Cook's reappointment.

Committee Vote: For: (8) Senators Duis, Hasebroock, Keyes, Kime, Koch, Marsh, Savage and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Clark, DeCamp, Kelly and Skarda.

Mr. Ed Loutzenheiser
Advisory Committee to the Department of Economic Development

Senator Duis appeared in support of Mr. Loutzenheiser and no one appeared in opposition to this appointment.

Committee Vote: For: (8) Senators Duis, Hasebroock, Keyes, Kime, Koch, Marsh, Savage and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Clark, DeCamp, Kelly and Skarda.

Mr. William A. Spitzenberger
Advisory Committee to the Department of Economic Development

Senator Savage appeared in support of Mr. Spitzenberger's appointment and no one appeared in opposition.

Committee Vote: For: (8) Senators Duis, Hasebroock, Keyes, Kime, Koch, Marsh, Savage and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Clark, DeCamp, Kelly and Skarda.

Mr. Marshall M. Tate–Board of Parole

No one appeared in support and no one appeared in opposition to Mr. Tate's reappointment.

Committee Vote: For: (8) Senators Duis, Hasebroock, Keyes, Kime, Koch, Marsh, Savage and Wiltse. Against: None. Absent and not voting: (5) Senators Chambers, Clark, DeCamp, Kelly and Skarda.

(Signed) John S. Savage, Chairman

MOTION—Introduce Bill

Mr. Kremer moved the introduction of a new bill by the committee on Public Works. (Req. No. 1483)

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1002. By Public Works Committee: Kremer, 34th District, Chairman; Cavanaugh, 9th District; Moylan, 6th District; Wiltse, 1st District; Warner, 25th District; Mills, 44th District; Kelly, 35th District.

A BILL FOR AN ACT to adopt the Nebraska Water Rights Registration Act; and to provide severability.

MOTION—Place LB 693 on General File

Mr. Maresh moved to place LB 693 on General File notwithstanding the inaction of the committee.

Mr. Maresh moved to suspend the rules, Rule 7, Sec. 3(a), and consider the motion today.

Mr. Maresh asked unanimous consent to withdraw his motions. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 673A. By Fowler, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 673, Eighty-fourth Legislature, Second Session, 1976.

GENERAL FILE

LEGISLATIVE BILL 176. Title read. Considered.

Standing Committee amendment found in the Journal on page 944 for the Forty-eighth Day was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Fowler offered the following amendment:

Amend Sec. 1 (2) to read as follows:

(2) The Director of Personnel is hereby directed to amend the State of Nebraska Classification and Pay Plan so as to provide all state employees with an hourly wage of at least two dollars and ~~forty cents~~ sixty cents as of July 1, ~~1975,~~ 1976, two dollars and ~~sixty-five~~ eighty cents as of July 1, ~~1976,~~ 1977, and two dollars and ninety cents as of July 1, ~~1977.~~ 1978.

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Kelly offered the following amendment:

To amend LB 176 to:

Strike "and two dollars and ninety cents as of July 1, 1978"

The amendment was adopted with 32 ayes, 0 nays and 17 not voting.

Mr. Fowler moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays and 32 not voting.

Mr. Fowler moved the Call be raised. The motion prevailed.

Advanced to E & R for Review with 25 ayes, 12 nays and 12 not voting.

REFERENCE COMMITTEE REPORT

LB	**Committee**
1002	Public Works

(Signed) Eugene T. Mahoney, Chairman

NOTICE OF COMMITTEE HEARING
Public Works

LB 1002 Thursday, February 19, 1976 1:30 p.m.

(Signed) Maurice A. Kremer, Chairman

MOTION–Rule Changes

Mr. DeCamp offered the following rule changes:
Rule 7 - Proceedings and Motions
1. Insert a new section 9 to read as follows:
sec. 9. Motions to Return. Any motion to return a bill to a committee or to return a bill to General File shall be debatable.
2. Renumber original section 9 as section 10.

Referred to the Rules Committee.

Rule 7 - Proceedings and Motions

Section 1.
(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.
a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the Journal
d. Petitions and memorials
e. Notice of committee hearings and reports
f. Bills on Final Reading
g. Proposed changes to Rules of the Nebraska Unicameral
h. Resolutions
i. Introduction of bills and readings by title
j. Consideration of bills on Select File
k. Motions to reconsider
l. Motions to advance bills from committee
m. Other pending motions
n. Unfinished business, including messages on President's desk
o. Consideration of bills on General File
p. Miscellaneous business

Referred to Rules Committee.

UNANIMOUS CONSENT–Print in Journal

Speaker Burbach asked unanimous consent to print the following amendment to LB 519 in the Journal. No objections. So ordered.

Amendments to LB 519

1. On page 2, insert an underscored period at the end of line 6 and strike the remainder of the sentence; and in lines 10 and 11 strike "and allocation of pari-mutuel tax".

2. Strike section 3 and renumber original sections 4 and 5 as sections 3 and 4.

3. On page 4, line 9, strike the first comma and

insert "and" and strike the second comma and insert an underscored period and strike lines 10 and 11; and in line 12 strike "5" and insert "4".

4. Strike sections 6 and 7 and insert:

"Sec. 5. That section 2-1207, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1207. Within the enclosure of any race track where is held a race or race meeting licensed and conducted under sections 2-1201 to 2-1218, but not elsewhere, the pari-mutuel or certificate method or system of wagering on the results of the respective races may be used and conducted by the licensee in connection therewith. Under such system the licensee may receive wagers of money from any person present at such race on any horse in race selected by such person to run first in such race, and the person so wagering shall acquire an interest in the total money so wagered on all horses in such race as first winners in proportion to the amount of money wagered by him. Such licensee shall issue to each person so wagering a certificate on which shall be shown the number of the race, the amount wagered, and the number or name of the horse selected by such person as first winner. As each race is run the licensee may deduct from the total sum wagered on all horses as first winners, respectively, (a) at race tracks in existence on the effective date of this act, fifteen per cent of the total, plus the odd cents of the redistribution over the next lower multiple of ten, or (b) at race tracks constructed after the effective date of this act, eighteen per cent of the total, plus the odd cents of the redistribution over the next lower multiple of ten, and the balance remaining on hand shall be paid out to the holders of certificates on the winning horse in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses in such race to run first. The licensee may likewise receive such wagers on horses selected to run second, third, or both, or in such combinations as the commission may authorize, the method, procedure and the authority and right of the licensee, as well as the deduction allowed to the licensee, to be as specified with respect to wagers upon horses selected to run first. No minor shall be permitted to make any pari-mutuel wager, and there shall be no wagering except under the pari-mutuel method outlined in this section. Any person, association or corporation who knowingly permits a minor to make a pari-mutuel wager shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding three hundred dollars for each offense.

Sec. 6. That original section 2-1207, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

GENERAL FILE

LEGISLATIVE BILL 174. Title read. Considered.

Speaker Burbach renewed his pending amendment found in the Journal on page 638 for the Twenty-sixth Day.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Standing Committee amendments found in the Journal on page 1010 for the Fifty-first Day, First Session, were rejected with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 597. Title read. Considered.

Mrs. Marsh and Mr. Stull asked unanimous consent to remove their names from LB 597. No objections. So ordered.

Mrs. Marsh moved to return LB 597 to the Reference Committee for assignment to a committee for a public hearing.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

REFERENCE COMMITTEE REPORT

LB	Committee
597	Appropriations

(Signed) Eugene T. Mahoney, Chairman

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 936. Indefinitely postponed.

(Signed) J. R. Murphy, Chairman

ADJOURNMENT

At 12:02 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, February 13, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 13, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

I would like to offer this morning a prayer which George Washington delivered for his beloved America:

> Almighty God, we make our earnest prayer that thou wilt keep the United States in Thy Holy protection; that thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large.
>
> And finally that thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the divine author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation.
>
> Grant our supplication, we beseech thee, through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Cope who was excused and Mr. F. Lewis who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Seventh Day was approved.

COMMUNICATION

United States
Energy Research And Development Administration
Washington, D.C. 20545

Feb 9 1976

Mr. Vincent D. Brown
Clerk of the State Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

The Federal Energy Administration has sent to us Legislative Resolution 104 adopted by the Nebraska Legislature on January 12, 1976. This resolution supports the location of the Solar Energy Research Institute (SERI) in the State of Nebraska.

As you may know, on October 1, 1975 the Energy Research and Development Administration (ERDA) announced formation of the Solar Energy Research Institute Project Office. This Office has been preparing recommendations to Dr. Robert C. Seamans, Jr., Administrator of ERDA, on the role and mission of SERI, its management organization and the criteria for evaluating proposed sites. Within a few weeks ERDA expects to announce site evaluation criteria and to solicit proposals.

It is important to note that ERDA, itself, will not seek out potential sites for SERI. Rather, we will solicit proposals from interested groups for our consideration. We anticipate a significant nationwide response and will be pleased to review all proposals that we receive from Nebraska.

Thank you for your interest in the Institute.

Sincerely,

(Signed) Robert P. McGee, Manager
Solar Institute Project Office

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302 passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 12, 1976. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Epke, Walter H. – York, Committee for the Betterment of Downtown Omaha

Hooker, Bob D. – Omaha (withdrawn 1-1-76) Sheet Metal Contractors Assn. Omaha-Council Bluffs

Howard, Robert N. – Omaha, Sheet Metal Contractors Assn. Omaha-Council Bluffs

Knudsen, Berkheimer, Endacott & Beam:
  Beam, C. Arlen – Lincoln (withdrawn) Johnson Imperial Home Company of Hastings
Merrit, Jack – Lincoln, Lancaster County Beverage Association
Moylan, James H. – Omaha (withdrawn 1-1-76) Nebraska Association of Trial Attorneys; State Surety Company
Ryan, James E. – Lincoln, Personal Property Tax Relief Committee
Smith, Leo C. – Fairbury (withdrawn 1-1-76) Nebraska State Legislative Board, Brotherhood of Locomotive Engineers

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 13, 1976, at 8:35 a.m., were the following bills: 696, 675, 635, 460, 431, and 413.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 106. Placed on Select File.

LEGISLATIVE BILL 817. Placed on Select File.

Correctly Enrolled

The following bills were correctly enrolled: 585 and 629.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 585 and 629.

MOTION–Request Governor to Return LB 339

Mr. DeCamp moved the Clerk request the Governor to return LB 339 to the Legislature for further consideration.

Mr. Dworak moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 36 ayes, 0 nays and 13 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 22 ayes, 18 nays and 9 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 25:

Barnett	Bereuter	Burbach	Burrows	Cavanaugh
Chambers	Clark	DeCamp	Duis	Dworak
Fitzgerald	Fowler	Kelly	Kennedy	Kime
R. Lewis	Maresh	Marvel	Mills	Murphy
Nichol	Rasmussen	Schmit	Simpson	Warner

Voting in the negative, 21:

Anderson	Carsten	Dickinson	George	Goodrich
Hasebroock	Keyes	Koch	Kremer	F. Lewis
Luedtke	Mahoney	Moylan	Rumery	Savage
Skarda	Stoney	Stull	Swigart	Syas
Wiltse				

Not voting, 3:

Cope	Johnson	Marsh

The motion prevailed with 25 ayes, 21 nays and 3 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

MOTION—Suspend Rules

Mr. Marvel moved to suspend the rules (Rule 3, Sec. 5) to allow the Appropriations Committee to hold a public hearing on LB 597 at 2:00 p.m., Wednesday, February 18, 1976. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 597 Wednesday, February 18, 1976 2:00 p.m.

(Signed) Richard D. Marvel, Chairman

SELECT FILE

LEGISLATIVE BILL 503. E & R amendments found in the Journal on page 642 for the Twenty-seventh Day were adopted.

Advanced to E & R for Engrossment.

MOTION–Return LB 669 to Select File

Mr. Cavanaugh moved to return LB 669 to Select File for the specific amendment found in the Journal on page 599 for the Twenty-fourth Day.

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 669. The Cavanaugh specific amendment found in the Journal on page 599 for the Twenty-fourth Day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Re-Engrossment.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 886. Indefinitely postponed.

(Signed) J. R. Murphy, Chairman

GENERAL FILE

LEGISLATIVE BILL 464. Bracketed until Friday, February 20, 1976 at the request of Mr. DeCamp.

LEGISLATIVE BILL 488. Bracketed until Tuesday, February 17, 1976 at the request of Mr. Syas.

LEGISLATIVE BILL 313. Title read. Considered.

Mr. Cavanaugh offered the following amendment:

In Section 1, page 3, line 18, insert after the word "installing" the words "gas and".

In Section 1, page 7, line 6, after the word "supplies" insert the words "for operation and maintenance of the district's facilities".

In Section 1, page 7, line 10, insert after "construction" the new words "or reconstruction".

In Section 1, page 7, delete lines 17 through 20 and substitute the following:

> "to be paid from funds expected to be received in the future, including, but not limited to, property tax collections, special assessment collections and proceeds of sale of general obligation bonds; and"

In Section 3, page 9, delete the new sentence starting with "Any" on line 20 and ending with "issue" on line 24 and replace deleted words on line 24.

In Section 4, page 11, line 4, insert after "constructing" the words "gas and".

In Section 4, page 11, line 4, insert prior to "water" the words "a civil defense warning system,".

In Section 4, page 15, line 26, delete "a metropolitan: and substitute therefor the word "any" and delete the following on page 16, lines 13-14, "of the metropolitan class,"

lines 22, "of the metropolitan"

line 23, "metropolitan"

lines 25-26, "of the metropolitan class".

On page 17, lines 3 and 4, delete the words "of the metropolitan class".

To Section 4, add new material to the end as follows:

> "The board of trustees shall have power, in connection with the issuance of any warrants or bonds of the district, to agree to make a specified minimum mill levy on taxable property in the district to pay, or to provide a sinking fund to pay, principal and interest on warrants and bonds of the district for such number of years as the board may establish at the time of making such agreement, and shall also have the power to agree to enforce, by foreclosure or otherwise as permitted by applicable laws, the collection of special assessments levied by the district. Such agreements may contain provisions granting to creditors and others the right to enforce and carry out the agreements on behalf of the district and its creditors."

In Section 5, page 17, line 10, insert after the comma after system the new words "a civil defense warning system,".

In Section 6, page 21, line 12, change "ten" to "sixty".

In Section 6, page 23, line 7, insert after "schedules" the following:

> "and, within five days after the first publication of such notice, a copy thereof, along with statements of costs and schedules of propsed (sic) assessments, shall be given to each person or company who, pursuant to written contract with the district, has acted as underwriter or fiscal agent for the district in connection with the sale or placement of warrants or bonds issued by the district."

In Section 6, page 23, delete the words "Each owner" on line 7, delete all of lines 8 through 19 and insert the following new material:

> "Each owner of land against which assessments are proposed or are levied, any such municipality and any such underwriter or

> fiscal agent shall have the right to be heard at any hearing on determination of special benefits and special assessments and may appeal to the district court of the county from any final determination by the board of trustees of the amount of special assessments to be levied. Any such party wishing to appeal shall, within ten days after the final determination being appealed from, file with the clerk of the district a notice of appeal and pay to the clerk the sum of twenty-five dollars to cover the cost of preparing the transcript for appeal and within thirty days after such final determination, file a petition on appeal with the district court, which filings and payment shall vest in the district court jurisdiction to hear the appeal. Within thirty days after receipt of the notice of appeal, the clerk of the district shall prepare and file with the district court a certified transcript of the proceedings of the board of trustees of the district necessary for a complete determination of the appeal by the district court. The court shall hear such appeal in a summary manner as in a case in equity and without a jury and shall determine whether the assessments or determination appealed from were levied or made as required by applicable constitutional and statutory provisions. If the court shall find the determination or assessments appealed from to be inequitably apportioned, in excess of special benefits, insufficient or illegal for any reason, other than lack of power to levy the assessments, the court shall remand the matter to the board of trustees for redetermination of special benefits and relevying of special assessments in accordance with the court's findings. Such redetermination and relevying shall be made following notice given to the same persons and in the same manner as was required for the initial determination; provided, however, any person entitled to notice may waive further notice with respect to the redetermination and relevy of special assessments. Any owner or person given the right of appeal may appeal to the district court from any such redetermination and relevying in the same manner as provided hereinabove for the initial appeal."

In Section 7, page 24, starting on line 2 - put a period after "years" and delete the balance of the sentence, including the new words, through semiannually on line 6. Insert following "years" on line 2 the following new sentences:

> "Each issue of general obligation bonds shall mature, or be subject to mandatory redemption, so that the first principal repayment is made not more than five years after date of issue and so that at least twenty percent of the district's bonds then outstanding shall be repaid within ten years after the date of such issue. Such bonds shall bear interest payable annually or semi-annually."

In Section 7, page 24, line 18, add after the new word "issuance" the following:

> "provided, however, that such warrants need not be retired within such five year period and shall not be in default if the district court of the county shall determine, upon application to it by the district, that the district does not have the funds to retire such warrants and either (a) the district is unable to sell its bonds in amount sufficient to retire such warrants, or (b) an unreasonably high tax mill levy, as compared to the mill levy on other similar property in the county, would be required in order to cover the debt service requirements on bonds issued to retire such warrants. Notice of the filing of such application and the time and place of the hearing thereon shall be published in a newspaper of general circulation in the county the same day each week three consecutive weeks. Within five days after the first publication of such notice, the district shall cause to be mailed, by United States certified mail, a copy of such notice to each holder of warrants covered by the application whose name and postoffice address are known to the district. Prior to the hearing, proof of such mailing shall be made by affidavit of a trustee of the district or its attorney that such mailing was made and further that the district, its trustees and its attorney, after diligent investigation and inquiry, were unable to ascertain and do not know the name and postoffice address of any holder of such warrants other than those to whom notice has been mailed in writing or who have waived notice in writing or entered an appearance in the proceeding. Upon making such determination the district court may make such orders concerning retirement of the warrants as it shall determine proper under the circumstances of the district."

In Section 7, page 24, line 27, after the period after "issuance", insert three sentences as follows:

> "The district may agree to pay annual or semiannual interest on all warrants issued by the district and the district may issue warrants to pay such interest or may issue its warrants in return for cash to pay such interest. Warrants issued to pay interest on capital outlay warrants shall become due and payable in the same time as capital outlay warrants and warrants issued to pay interest on operation and maintenance warrants shall become due and payable not later than three years from date of issuance. The district may, if determined appropriate by the board of trustees, pay fees to fiscal agents in connection with the placement of warrants issued by the district."

In Section 8, page 25, line 22, delete "one year" and insert "six months".

Revise Section 9 on page 26 to read as follows:

"Section 9. Within thirty days after the effective date of this act as to existing districts, and within thirty days after the creation of districts thereafter created, the clerk of each district shall file with the register of deeds of each county or counties in which the district is located a statement containing the following information: (1) the district number; (2) the outer boundaries of the district; (3) the purpose or purposes for which the district was formed; (4) a statement that the district has the power to levy an unlimited property tax to pay its debt and its expenses of operation and maintenance; (5) a statement that the district is required to levy special assessments on property in the district to the full extent of special benefits arising by reason of improvements installed by the district; 6) that the annual budget of the district is filed with the county clerk which budget shows the anticipated revenue and expenses, mill levy and indebtedness of the district; (7) that the actual current mill levy amount of the district may be obtained from the county clerk, and (8) that a copy of the annual financial audit of the district is on file with the clerk of the district and the Auditor of Public Accounts. Such statement shall be supplemented and refiled to include any land added to the district after the original filing."

In Section 10, page 26 - delete subsection (1) and on page 27, line 7, insert after "located" the following:

"and which has requested copies of all minutes".

Add a new section as follows:

"Section _____. That section 31-751, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-751. Sanitary and improvement district; assessments; equalization; levy; collection. After the equalization of such special assessments as required by sections 31-727 to 31-762, the same shall be levied by the board of trustees upon all lots or parcels of ground within the district which are benefited by reason of said improvement, such levy to be made within six months after acceptance of the improvement by the board of trustees; provided, that failure to levy assessments within such six-month period shall not invalidate assessments made after the six-month period. The same may be relevied, if for any reason the levy thereof is void or not enforceable. ~~in an amount not exceeding the previous levy.~~ Such levy shall be enforced as other special assessments and any payments thereof under previous levies shall be credited to the person or property making the same. Not less than eleven and not more than twenty days after the levying of any special assessment, the clerk of the district shall certify such levy to the county treasurer and county clerk of the county. If a notice of appeal from such levy has been filed with the clerk, the clerk shall note on the certificate of levy that an appeal has been commenced and that the amounts of the assessments are subject to redetermination pursuant to the appeal. All receipts given by the county treasurer for special assessments as to which an appeal is pending shall show thereon that the special assessment amount is subject to redetermination by the appeal. Upon termination of any appeal, the clerk of the district shall so certify to the county clerk and county treasurer. All assessments made for such purposes shall be collected in the same manner as general taxes and shall be subject to the same penalties or may be collected pursuant to section 77-1917.01."

Add a new section as follows:

"Section_____. That section 31-753, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-753. Sanitary and improvement district; special assessments; installments; interest; delinquent. All special assessments provided for in section 31-739 shall become due in fifty days after the date of the levy and may be paid within that time without interest, but if not so paid they shall bear interest thereafter at the rate of seven percent per annum until delinquent. Such assessments shall become delinquent in equal annual installments over such periods of years, not exceeding ten, as the board of trustees may determine at the time of making the levy. Delinquent installments shall bear interest at the rate of nine percent per annum until paid and shall be collected in the usual manner for the collection of taxes. In the event that three or more installments shall be delinquent, the board of trustees may declare all of the remaining installments to be at once delinquent and such installments declared delinquent shall bear interest at nine percent per annum until paid and may be collected the same as other delinquent installments may be collected."

Add a new section to amend Section 77-1917.01 to read as follows:

"Section_____. That section 77-1917.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77.1917.01. Cities and villages; special assessments; delinquent; foreclosure proceedings. All cities, ~~and~~ villages and sanitary and improvement districts in Nebraska shall have a lien upon real estate within their boundaries for all special assessments due thereon to the municipal corporation or district, which lien shall be inferior only to general taxes levied by the state and its political subdivisions. When such special assessments have become delinquent, without the real property against which they are assessed being first offered at tax sale by the tax sale certificate method or otherwise, the municipal corporation or district involved may itself as party plaintiff proceed in the district court of the county in which the real estate is situated to foreclose, in its own name, the lien for such delinquent special assessments in the same manner and with like effect as in the foreclosure of a real estate mortgage, except as otherwise specifically provided by sections 77-1903 to 77-1917, which shall govern when applicable. Final confirmation of sale in such foreclosure proceeding and issuance of deed to the plaintiff, or its assignee, cannot be had until two years have expired from the date of the sale held by the sheriff, and, after expiration of such two-year period, personal notice has been served on occupants of the real property. The remedy granted in this section to cities, ~~and~~ villages and sanitary and improvement districts for the collection of delinquent special assessments shall be cumulative and in addition to other existing methods."

Include section 31-751 in repealer section.

NOTE - the above amendments to Section 31-755 are made with reference to the wording of Section 31-755 as it appears in LB 313. However, Section 31-755 was amended in 1975 by LB 112 and the LB 112 amendments do not appear in LB 313. None of the LB 112, 1975 amendments are intended to be affected by LB 313, as above amended, and consequently the new amendments to Section 31-755 must be inserted around the 1975 LB 112 amendments.

Mr. F. Lewis offered the following amendment to the Cavanaugh amendment:
In Section 4, page 12, line 21, insert a new sentence after the period at the end of line 21 as follows:

> "Purchases of public parks, playgrounds and recreational facilities so approved may be completed and shall be valid notwithstanding any interest of any trustee of the district in the transaction."

The amendment lost with 9 ayes, 15 nays and 25 not voting.

Mr. Cavanaugh asked unanimous consent to withdraw his amendments. No objections. So ordered.

Bracketed until Tuesday, February 17,1976 at the request of Mr. Cavanaugh.

LEGISLATIVE BILL 710. Title read. Considered.

Standing Committee amendment found in the Journal on page 526 for the Twentieth Day was adopted with 26 ayes, 1 nay and 22 not voting.

Mr. Luedtke moved for a Call of the House. The motion prevailed with 19 ayes, 3 nays and 27 not voting.

Mr. Luedtke moved the Call be raised. The motion prevailed.

Advanced to E & R for Review with 25 ayes, 5 nays and 19 not voting.

COMMUNICATIONS ON LB 339

February 13, 1976

The Honorable J. J. Exon
Governor of Nebraska
Lincoln, Nebraska 68509

Dear Governor Exon:

The Legislature has directed that I respectfully request of you the return of LB 339 to the Legislature for further consideration.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

February 13, 1976

The Honorable Jules Burbach
Speaker, Nebraska Legislature
Room 2022, State Capitol
Lincoln, Nebraska 68509

Dear Mr. Speaker:

I am transmitting herewith to the Legislature LB 339, the same having been returned by the Governor to the Legislature for further consideration. This bill will be placed on final reading pending the further action of the Legislature.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

lt
Enclosure

MOTION–Override Veto on LB 177

Mr. Luedtke moved that LB 177 become law notwithstanding the objections of the Governor.

Motion pending.

MOTION–Override Veto on LB 477

Mr. Swigart moved that LB 477 become law notwithstanding the objections of the Governor.

Motion pending.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 684. Placed on General File as amended.
Standing Committee amendments to LB 684:

1. On page 2, line 4 strike "forty-two" and insert "forty".

2. On page 2, after line 8, insert new sections as follows:

"Sec. 3. The county assessor and the county treasurer of every county shall, on or before December 1, 1976, certify to the Tax Commissioner both the total amount of revenue that was collected for and the total amount distributed to the technical community colleges, pursuant to the provisions of section 79-2626, Revised Statutes Supplement, 1974, declared unconstitutional in the case of State Ex. Rel. Western Nebraska Technical Community College Area v. Tallon, 192 Neb. 201, 219 N.W. 2d 454 (1974), which revenue is necessary to reimburse property owners within such county who are entitled to a refund or refunds, and the method or methods pursuant to 77-1736.04 Revised Statutes Supplement, 1975, which will be used to effect the refunds. The Tax Commissioner shall prescribe the form and content of the certification. It is the intent of this appropriation that there shall be added to funds now held by county treasurers, which resulted from the above levy, state funds sufficient to repay taxpayers the amount of taxes paid pursuant to this unconstitutional law.

Sec. 4. (1) Following receipt of the certifications, the Tax Commissioner shall, not later than January 5, 1977, certify to the Legislature and the State Treasurer the total amount of revenue that is necessary for reimbursement to entitled taxpayers. Pursuant to such certification, the State Treasurer shall draw his warrants on the state treasury for the amount so certified against funds appropriated for such purpose and deliver such warrant to the various county treasurers pursuant to the following schedule:

For those amounts of refunds to be made by county warrants between February 5 and February 20, 1977, and for those amounts of refunds to be made by credits against property tax liability between March 5 and March 20, 1977.

(2) Upon receipt thereof, the county treasurer shall place such funds in a separate account and account for the disbursement thereof pursuant to procedures prescribed by the State Auditor.

(3) On or before July 1, 1978, all unexpended funds received pursuant to this appropriation or pursuant to section 79-2626 Revised Statutes Supplement, 1974, shall be sent to the Tax Commissioner for deposit in the State General Fund.

Sec. 5. There is hereby appropriated two million dollars from the General Fund for the period July 1, 1976 to June 30, 1977, to the State Treasurer, Agency No. 13, Program 109, State Payment for Unconstitutional Mill Levy, to carry out the provisions of sections 3 to 5 of this act.".

2. Renumber original section 3 as section 6.

LEGISLATIVE BILL 752. Placed on General File as amended.
Standing Committee amendments to LB 752:

1. On page 6, line 19, strike "53,999,436" and insert "54,014,173"; and in line 22 strike "63,897,280" and insert "63,912,017".

2. On page 14, line 9, strike "70,307,807" and insert "70,372,544"; and in line 14 strike "108,670,411" and insert "108,685,148".

LEGISLATIVE BILL 756. Placed on General File.

LEGISLATIVE RESOLUTION 115. Placed on General File as amended.
Standing Committee amendments to LR 115:

Amend LR 115, found on Journal pages 343 and 344 as follows:

1. In the second "WHEREAS", line 2 after "thereunder" insert "for the current fiscal year".

2. After the second "WHEREAS" insert the following "WHEREAS, in order to accomplish renewals and replacements and to meet fire and safety standards for the coming fiscal year, it is necessary to expend an additional $317,000 from the Replacement Fund; and"

3. In the "RESOLVED" line 3 after "$680,450" insert "and $317,000".

STATEMENT ON LR 115

This resolution is to indicate legislative approval of a planned expenditure of revenue bond funds. The projects to be funded by the planned expenditure are identified in the resolution. The purpose of this resolution is to meet the requirement for legislative approval reflected in Article 13, Section 1 of the Constitution of the State of Nebraska.

Committee voted unanimously to advance LR 115 to General File.

(Signed) Richard D. Marvel, Chairman

2/13/76

Banking, Commerce and Insurance

LEGISLATIVE BILL 916. Placed on General File.

(Signed) J. R. Murphy, Chairman

NOTICE OF COMMITTEE HEARINGS

Education

LB 995 Tuesday, February 24, 1976 1:30 p.m.

(Signed) Frank Lewis, Chairman

Labor

LB 1001 Friday, February 20, 1976 12:30 p.m.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Keyes asked unanimous consent to print the following amendment to LB 786 in the Journal. No objections. So ordered.

AMENDMENT TO LB 786

On page 2, line 14, following "1970," strike the period and insert, ", except in the year 1976, such filing deadline shall be extended to March 1."

MOTION—Suspend Rules

Mr. Fowler moved to suspend the rules (Rule 3 Sec. 5) so that the Urban Affairs Committee may hold a public hearing on LB 999.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

NOTICE OF COMMITTEE HEARING
Urban Affairs

LB 999 Wednesday, February 18, 1976 2:00 p.m.

(Signed) Steve Fowler, Chairman

UNANIMOUS CONSENT—Members Excused

Mr. Marvel asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

Mr. Kime asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

MOTION—Return LB 669 to Select File

Mr. Kelly moved to return LB 669 to Select File for the following specific amendment:
Strike the Cavanaugh amendment adopted today.

Mr. Kelly moved for a Call of the House. The motion prevailed with 15 ayes, 2 nays and 32 not voting.

Mr. Skarda moved the Call be raised. The motion prevailed.

The Kelly motion to return lost with 23 ayes, 15 nays and 11 not voting.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 768. Placed on General File as amended.
Standing Committee amendment to LB 768:
1. On page 2, line 2 after "new" strike "service,"
and insert "equipment, new service feature of existing";
line 4 after "within" strike "forty-five and insert "sixty".

LEGISLATIVE BILL 781. Placed on General File.
LEGISLATIVE BILL 820. Placed on General File.

LEGISLATIVE BILL 837. Placed on General File as amended.
Standing Committee amendments to LB 837:

1. On page 2, line 4 after "60-110." strike "The" and insert "~~The~~ Except as otherwise provided in this section,"; lines 10 through 14, strike the new matter; lines 19 through 21 reinstate the stricken matter; line 27 after "them" insert "except that during any period in which a motor vehicle is inventory, as defined in section 9-109 (4), Uniform Commercial Code, held for sale by a person who is in the business of selling motor vehicles the filing provisions of Article 9, Uniform Commercial Code, shall apply to a security interest in such motor vehicle created by such person as debtor"; line 27 strike the new matter.
2. On page 3, lines 1 through 15 strike the new matter.

LEGISLATIVE BILL 846. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 579A. Title read. Considered.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays and 32 not voting.

Mr. F. Lewis requested a roll call vote on advancing to E & R for Review.

Voting in the affirmative, 23:

Barnett
Burrows
Carsten
Cavanaugh
Chambers
Fizgerald
Fowler
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
F. Lewis
Luedtke
Mahoney
Moylan
Murphy
Rumery
Schmit
Skarda
Swigart
Syas
Warner

Voting in the negative, 18:

Anderson
Bereuter
Burbach
DeCamp
Dickinson
Duis
Dworak
George
Koch
R. Lewis
Maresh
Marsh
Mills
Rasmussen
Simpson
Stoney
Stull
Wiltse

Not voting, 8:

Clark
Cope
Kelly
Kime
Kremer
Marvel
Nichol
Savage

Failed to advance to E & R for Review with 23 ayes, 18 nays and 8 not voting.

Mr. Mills moved the Call be raised. The motion prevailed.

LEGISLATIVE BILL 519. Bracketed until Tuesday, February 17, 1976 at the request of Mr. Schmit.

NOTICE OF COMMITTEE HEARING
Committee on Committees

The hearing of the Committee on Committees of Mr. Thayer has been canceled for this afternoon and will be reset for February 27, 1976, 12:00 noon, Room 2102.

(Signed) John S. Savage, Chairman

GENERAL FILE

LEGISLATIVE BILL 724. Title read. Considered.

Mr. Stull offered the following amendment:
Amend 724 strike all reference to 39-1309.
It appears in title and line 7 sec 10

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 65. Title read. Considered.

Standing Committee amendments found in the Journal on page 373 for the Fourteenth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 178
February 11, 1976

Dear Senator Rasmussen:

You state that you have been working on LB 668, a measure intended to reduce the amount of inheritance tax required when children inherit their parents' property. This bill, it its present form, would increase the inheritance tax exemption of a father, mother, husband, wife, child, brother, sister, wife or widow of a son, husband of a daughter, adopted children, lineal descendants or persons to whom the deceased stood in the acknowledged relation of a parent from $10,000 to $300,000 received by each such person. It has been brought to your attention that in some cases this bill would not result in any savings to the taxpayer, but would simply result in any money saved as inheritance tax being paid as additional estate tax payable to the State of Nebraska.

This results from the fact that in a federal estate tax return, state estate and inheritance taxes are allowed as a credit against the federal estate tax. The federal estate tax return, however, does not allow all state estate and inheritance taxes paid as a credit, but only up to a certain maximum calculated according to a formula set out in the return. Therefore, if the state taxes are less than the maximum credit allowable under the federal return, the taxpayer saves no money, but simply pays more to the federal government.

In order to avoid having money go to the federal government which could otherwise be paid to the state or to the counties, the Legislature passed the state estate tax act, secs. 77-2101 to 77-2112, R.R.S. 1943. This act provides, generally, that if the maximum credit allowable under the federal act exceeds the amount of inheritance tax payable, the difference shall be payable to the state as a state estate tax. It is therefore quite obvious, as the present state and federal estate tax acts now read, at least part of the savings on inheritance tax would simply be paid to the state as additional estate taxes. This is not to say that there would not be some tax savings to taxpayers. Many times inheritance taxes are due when there is no federal estate tax, and often the inheritance tax exceeds the maximum credit allowable on the federal return. In those situations, LB 668 would involve savings to taxpayers. In other situations, however, it could simply involve diversion of tax money from the counties, as inheritance tax, to the state, as estate taxes.

Your specific question is whether, in view of this situation, it would be possible to have legislation which would provide that the state should collect the estate tax, thereby allowing the heirs to receive the maximum federal tax credit, and then refund the tax collected to the heirs. We are sure that no such procedure would be possible.

A tax is defined by Black's Law Dictionary as a pecuniary burden laid upon individuals or property to support the government. The requirement of the payment of an estate tax to the State of Nebraska, to then be refunded to the taxpayers, would not qualify as an allowable tax to be credited under the federal estate tax. It would not be a tax at all, since it would not be levied for the support of government. The Internal Revenue Service would certainly not allow such a "tax" as a credit against the federal estate tax, and we are confident that the courts would uphold them in this refusal.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smh
cc: Mr. Vincent Brown
Clerk of the Legislature

VISITORS

The President introduced City Councilman and Mrs. Elmer Sanders, North Platte; Gerry Maas, Scout Master and 14 boy scouts, Troop 147, of Grand Island; Students from Goodrich Jr. High, Lincoln.

ADJOURNMENT

At 11:36 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Tuesday, February 17, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 17, 1976

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father, in the abundance of Thy loving kindness, reverently we come into Thy presence. Before we talk to one another about our homes, our State, and our problems, we would listen for Thy voice, as with silent hearts we wait for Thy Word. Thou art light for life's meanings, Thou art wisdom for life's questions. Thou art strength for life's duties. Thou art courage for life's unknown ways.
>
> Each new day is a white page for us not only in the journal of the State, but in the book of destiny, if we but take it from Thy hand as trustees of Thy unfolding purpose. May we follow the gleam of the highest and best we know, as long as our strength and opportunity last. Then may we hear Thy benediction, "Well done, thou good and faithful servant; enter thou into the joy of Thy Lord." Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Cope and Maresh who were excused; Messrs. Anderson and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Eighth Day was approved.

MESSAGE FROM THE GOVERNOR

February 13, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative bill No. 266 and Reengrossed Legislative Bills Nos. 275 and 536.

These bills were signed by me on February 13, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINION

Opinion No. 179
February 13, 1976

Dear Senator Murphy:

In your letter of January 28, 1976, you point out that the Legislature has annually been granting to state chartered building and loan associations the rights and privileges extended to federally chartered associations. LB 763 would again accomplish this result, by amending section 8-355, 1975 Supp. You enclosed two proposed amendments to LB 763. The amendment prepared by the Bill Drafter would add the following language to the bill:

> "Subsequent to the effective date of this act, the Director of Banking shall adopt and promulgate rules and regulations to provide any association incorporated under the laws of this state and organized under the provisions of Chapter 8, article 3 with all rights, powers, privileges, benefits, and immunities that may be exercised by a federal savings and loan association doing business in Nebraska until the close of the next regular session of the Legislature."

The other amendment which you submitted was apparently prepared by the Department of Banking, and is very similar to the one prepared by the Bill Drafter. Since our discussion will be applicable to that amendment as well as the one we have quoted, we will not set forth the other proposed amendment herein.

The specification of the rights, powers, privileges, benefits, and immunities of a corporation, and specifically, of a building and loan association, is clearly a legislative function. It is vested in the Nebraska Legislature, and cannot be delegated. In Smithberger v. Banning, 129 Neb. 651, 262 N.W. 492, 100 A.L.R. 686 (1935), the court held that a bill, the operation of which depended upon an act of Congress which had not been enacted at the time of the passage of the bill, constituted an unconstitutional delegation of legislative power to the Congress of the United States. This has application to your question, since the powers, rights, etc. of federal savings and loan associations are changed from time to time by the Congress, and these changes would then become applicable to Nebraska building and loan associations. The powers of federal savings and loan associations are also changed from time to time by the Federal Home Loan Bank Board. The Legislature is also, of course, prohibited from delegating its legislative authority to such a board.

It will be argued, no doubt, that the delegation in this case is to the Director of Banking, since the changes, with respect to Nebraska-chartered building and loan associations, would be accomplished by rules and regulations adopted by him. This, however, would, we believe, be an unlawful delegation of legislative power to the Director of Banking. In the proposed amendment we have quoted he is required to adopt the rules and regulations giving the state chartered institutions the powers, rights, etc. of the federal institutions. In the other amendment, it is apparently made discretionary with him. We believe it makes no difference. In Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 104 N.W. 2d 227 (1960), the court held:

> "We do not hold that the Legislature may not adopt a law or regulation of another jurisdiction by reference. It may even adopt such except insofar as it is not in conflict with existing laws of this state. But it may not adopt by reference only to the extent that an administrative agency or officer shall see fit to adopt it. To do so is to delegate to the administrative agency or officer the determination of matters which are legislative and, consequently, for the determination of the Legislature."

No standards have been set up in the proposed amendments to guide the Director of Banking in the exercise of his rule making authority, which could profoundly affect the very nature of a building and loan association. If, as in the quoted amendment, the Director of Banking is required to adopt the rules and regulations, the act would constitute a delegation of legislative authority to either the Congress of the United States or to the Federal Home Loan Bank Board. If he is simply authorized to adopt such rules and regulations, this would constitute an unlawful delegation of legislative authority to the Director of Banking, without adequate standards. We considered somewhat similar legislation in an opinion of this office dated March 6, 1967, Report of the Attorney General, 1967-1968, p. 57, and concluded that the validity of the proposal was most doubtful. We reach the same conclusion with respect to the proposed amendments you have submitted.

Very truly yours,

PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc: Mr. Vincent D. Brown
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 17, 1976, at 8:40 a.m. were the following bills: 629 and 585.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 666. Placed on Select File as amended.
E & R amendment to LB 666:

1. On page 3, strike lines 18 to 24 and insert: "Constitutional amendment to permit contracting with institutions not wholly owned or controlled by the state or any political subdivision for services for handicapped children; to permit aid for nonsectarian purposes for attendance at private postsecondary educational institutions; to prohibit use of public funds of the state or any political subdivision or public corporation for sectarian purposes.".

LEGISLATIVE BILL 176. Placed on Select File as amended.
E & R amendments to LB 176:

1. In lieu of the Fowler amendment, on page 3, line 5, strike "forty" and insert "sixty"; in line 6 strike "1975" and insert "1976" and strike "sixty-five" and insert "eighty"; in line 7 strike "1976" and insert "1977"; and in line 8 strike "1977" and insert "1978".

2. On page 3, line 6, strike the first comma and insert "and"; in line 7 strike the first comma; in line 14 strike "other"; and in line 15 insert "other than those at the minimum wage" after "employees".

3. In the title, line 5, insert "to provide for salary adjustments for all state employees;" after the semicolon.

LEGISLATIVE BILL 174. Placed on Select File as amended.
E & R amendments to LB 174:

1. In the Burbach amendments, line 10, insert an underscored comma after "supplies".

2. In the title, strike beginning with "quarterly" in line 4 through the semicolon in line 9 and insert "an executive board as prescribed; to require quarterly meetings; to change provisions for special meetings; to provide for a quorum; to provide for termination of membership;".

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 801. Indefinitely postponed.

(Signed) Gary L. Anderson, Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 971. Placed on General File.
LEGISLATIVE BILL 994. Placed on General File.

(Signed) W. H. Hasebroock, Chairman

Public Works

LEGISLATIVE BILL 784. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 649. With Emergency.

A BILL FOR AN ACT to amend section 44-761, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide continued coverage for dependent children in group sickness and accident insurance as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Bereuter Burbach Burrows Carsten Cavanaugh
Chambers Fitzgerald Fowler George Goodrich
Hasebroock Johnson Kelly Kennedy Keyes
Koch F. Lewis Luedtke Mahoney Marsh
Marvel Mills Moylan Murphy Rasmussen
Savage Simpson Skarda Stoney Swigart
Syas Warner Wiltse

Voting in the negative, 9:

Barnett Clark DeCamp Dickinson Dworak
Kremer R. Lewis Rumery Stull

Not voting, 7:

Anderson Cope Duis Kime Maresh
Nichol Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—Hold LB 339

Mr. DeCamp asked unanimous consent to hold LB 339 in the possession of the Legislature until Friday, February 20, 1976. No objections. So ordered.

MOTION—Override Veto on LB 477

Mr. Swigart renewed his pending motion found in the Journal on page 667 for the Twenty-eighth Day to pass LB 477 notwithstanding the objections of the Governor.

The question is, "Shall LB 477 pass notwithstanding the objections of the Governor?"

Voting in the affirmative, 27:

Burbach Carsten Clark DeCamp Dickinson
Duis Dworak Fitzgerald Goodrich Hasebroock
Johnson Kelly Koch F. Lewis Luedtke
Marsh Mills Moylan Murphy Nichol
Savage Simpson Stoney Stull Swigart
Syas Wiltse

Voting in the negative, 19:

Anderson Barnett Bereuter Burrows Cavanaugh
Chambers Fowler George Kennedy Keyes
Kime Kremer R. Lewis Mahoney Marvel
Rasmussen Rumery Skarda Warner

Not voting, 3:

Cope Maresh Schmit

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

UNANIMOUS CONSENT–Withdraw Motion on LB 177

Mr. Luedtke asked unanimous consent to withdraw his pending motion found in the Journal on page 667 for the Twenty-eighth Day to override the veto on LB 177. No objections. So ordered.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 812. Placed on General File as amended.
Standing Committee amendments to LB 812:

1. On page 2, line 6 strike "12" and insert "13"; in line 7 strike "below" and insert "between"; in lines 11 and 21 enclose "upstream" in parentheses; and in line 13 inclose "downstream" in parentheses.

2. On page 3, line 2 strike the period and insert ", or any portion thereof"; after line 2 insert a new section to read as follows:

"Sec. 2. There is hereby created in the state treasury a special fund to be known as the Niobrara State Park Fund. All proceeds received from the sale of real estate as provided in section 1 of this act shall be paid into the state treasury and the State Treasurer shall deposit the money in the Niobrara State Park Fund. The State Treasurer shall disburse the money in such fund to the Game and Parks Commission to be used exclusively by such commission to acquire real estate and provide necessary facilities in order to establish a state park in the vicinity of the real estate known as Niobrara State Park. Any money in the Niobrara State Park Fund available for investment shall be invested by the state investment officer pursuant to Chapter 72, article 12, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.".

LEGISLATIVE BILL 771. Indefinitely postponed.

(Signed) George Syas, Chairman

Judiciary

LEGISLATIVE BILL 747. Placed on General File as amended.
Standing Committee amendment to LB 747:
1. On page 2, line 6, strike "seventeen" and insert "sixteen".

(Signed) Roland A. Luedtke, Chairman

MOTION—Introduce Bill

Mr. Kennedy moved the introduction of a new bill by the Committee on Public Health and Welfare. (Req. No. 1492)

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1003. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; R. Lewis, 38th District; Maresh, 32nd District; Kelly, 35th District; Fowler, 27th District; Moylan, 6th District; Cavanaugh, 9th District.

A BILL FOR AN ACT relating to public health and welfare; to provide for increased prehospital emergency medical care as prescribed; to authorize that certain duties of medical care may be performed by an Emergency

Medical Technician-Advanced; to require licensing; to prescribe duties and responsibilities of persons rendering aid; and to provide penalties.

REFERENCE COMMITTEE REPORT

LR 110	Education
LB 1003	Pub. Hlth. & Wel.

(Signed) Eugene T. Mahoney, Chairman

SELECT FILE

LEGISLATIVE RESOLUTION 106. Mr. Cavanaugh offered the following amendment:

Strike Sec. 3 of the Resolved.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays and 18 not voting.

Mr. Cavanaugh requested a record vote on his amendment.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 20 ayes, 9 nays and 20 not voting.

The Call showed 46 members present.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 21:

Barnett Bereuter Burrows Carsten Cavanaugh
DeCamp Fowler Goodrich Hasebroock Kennedy
Keyes Kremer F. Lewis Luedtke Mahoney
Marsh Marvel Rumery Simpson Syas
Wiltse

Voting in the negative, 24:

Anderson Burbach Chambers Clark Dickinson
Duis Dworak Fitzgerald George Johnson
Kelly Koch R. Lewis Mills Moylan
Murphy Nichol Rasmussen Savage Skarda
Stoney Stull Swigart Warner

Not voting, 4:

Cope Kime Maresh Schmit

The motion lost with 21 ayes, 24 nays and 4 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed.

Mr. Cavanaugh offered the following amendment:
Amend LR 106, to Strike Sec. 1 through 3 and add the following:
The Nebraska Legislature urges the Congress to adopt a Fiscal policy designed to Balance the Federal Budget within 4 years.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 9 nays and 14 not voting.

Mr. Cavanaugh requested a record vote.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 22 ayes, 10 nays and 17 not voting.

The Call showed 47 members present.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 24:

Barnett
Bereuter
Burrows
Carsten
Cavanaugh
Duis
Fowler
Hasebroock
Johnson
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Marsh
Marvel
Moylan
Rumery
Savage
Simpson
Syas
Wiltse

Voting in the negative, 23:

Anderson
Burbach
Chambers
Clark
DeCamp
Dickinson
Dworak
Fitzgerald
George
Goodrich
Kelly
Kime
Koch
Mills
Murphy
Nichol
Rasmussen
Schmit
Skarda
Stoney
Stull
Swigart
Warner

Not voting, 2:

Cope
Maresh

The amendment lost with 24 ayes, 23 nays and 2 not voting.

Mr. Swigart moved the Call be raised. The motion prevailed.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays and 18 not voting.

Mr. Chambers requested a record vote on advancing to E & R for Engrossment.

Voting in the affirmative, 26:

Anderson Burbach Chambers DeCamp Dickinson
Dworak Fitzgerald George Goodrich Kelly
Kime Koch R. Lewis Marsh Mills
Moylan Murphy Nichol Rasmussen Rumery
Schmit Skarda Stoney Stull Swigart
Warner

Voting in the negative, 13:

Bereuter Burrows Carsten Cavanaugh Duis
Fowler Keyes F. Lewis Luedtke Mahoney
Savage Simpson Syas

Not voting, 10:

Barnett Clark Cope Hasebroock Johnson
Kennedy Kremer Maresh Marvel Wiltse

Advanced to E & R for Engrossment with 26 ayes, 13 nays and 10 not voting.

ANNOUNCEMENT

Mr. Rasmussen announced an executive session of the Government, Military and Veterans Affairs Committee on Thursday, February 19, 1976 at 1:30 p.m. in Room 2102.

NOTICE OF COMMITTEE HEARING

Public Health and Welfare

LB 1003 Tuesday, February 24, 1976, Sup. Ct. Hrg. Room 1:30 p.m.

(Signed) Thomas C. Kennedy, Chairman

STANDING COMMITTEE REPORT

Public Health and Welfare

LEGISLATIVE BILL 714. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 702 in the Journal. No objections. So ordered.

(I)

In the Standing Committee amendment to LB 702, adopted February 9, 1976:

1. On page 2, in the first line 3 after "1.", insert "(1)"; after the first line 14 insert the following:

(2) The Governor shall be the executioner.".

(II)

In the Standing Committee amendment to LB 702, adopted February 9, 1976:

1. On page 1, in the first line 3 after "1." insert "(1)"; after the first line 14 insert the following:

"(2) The executioner shall be a monkey, chimpanzee, or other suitable simian designated by the Department of Correctional Services. The designated simian shall be trained and maintained for the sole and single purpose of operating the switch which causes a lethal current of electricity to pass through the body of the condemned person.".

(III)

In the Standing Committee amendment to LB 702, adopted February 9, 1976:

1. On page 1, in the first line 3 after "1." insert "(1)"; after the first line 14, insert the following:

"(2) A panel of switches sufficient in number to accommodate one prosecutor, three judges, twelve jurors, one Governor, one Secretary of State, one Attorney General, and forty nine legislators shall be connected to the electric chair. The panel of switches shall be so constructed that each and every switch must be worked simultaneously with all other switches in order to complete the circuit, thereby causing a lethal current of electricity to pass through the body of the condemned person. The board shall be so constructed that failure of any switch to be worked in concert with all other switches shall result in a locking of the panel or no execution shall occur; Provided, that if any of the persons enumerated in this section shall fail or refuse to participate in any scheduled execution, the switch which would be operated by that person shall not be worked and no execution shall occur.

(3) Any condemned person whose execution fails to occur for the reasons stated in subsection (2) of this section shall no longer be subject to a sentence of death but shall have such sentence reduced to life imprisonment.".

(IV)

In the Standing Committee amendment to LB 702, adopted February 9, 1976:

1. On page 1, in the first line 3 after "1." insert "(1)"; after the first line 14 insert the following:

"(2) Every execution shall be public and shall take place in the center of Memorial Stadium in Lincoln during daylight hours and clear weather. The Nebraska Educational Television Network shall be present at the execution to make a live transmission of the execution and shall video tape the execution in color and with sound for showing at all public schools in Nebraska not more than three school days after such execution. Microphones shall be placed near enough to the electric chair to record all sounds caused by the electric current and the condemned person.

(3) The electric chair shall be on a raised platform two feet in height. Such chair shall be securely fastened to the platform to prevent movement of the chair as the electric current passes through the body of the condemned person.

(4) The Governor, in his discretion, may call out and place on duty at any public execution, any portion of the National Guard to preserve the peace and prevent any public disorder attendant upon the execution.".

(V)

In the Standing Committee amendment to LB 702, adopted February 9, 1976:

1. On page 1, in the first line 3, after "1." insert "(1)"; after the first line 14, insert the following:

"(2) Commencing at 7:00 a.m. the morning following the execution, the body of the executed person shall be displayed for three days in the rotunda of the Capitol building. The body shall be removed at 6:00 p.m. on the evening of the third day and disposed of according to law.

(3) The body shall be attired in the same clothing it wore at the time of execution and be seated in the electric chair. Four guards shall be posted by the Nebraska State Patrol to prevent defilement of the body.".

ANNOUNCEMENTS

Mr. Syas announced an executive session of the Constitutional Revision and Recreation Committee today at 1:00 p.m. in room 2015.

Mr. Marvel announced the following executive sessions for the Appropriations Committee:

Thursday, February 19, 1976	2:00 p.m.
Monday, February 23, 1976	1:30 p.m.
Tuesday, February 24, 1976	1:30 p.m.
Wednesday, February 25, 1976	1:30 p.m.

UNANIMOUS CONSENT–Print in Journal

Mr. R. Lewis asked unanimous consent to print the following amendment to LB 519 in the Journal. No objections. So ordered.

AMENDMENT TO LB 519

1. In the Burbach amendments, page 2, strike the new matter in lines 9 and 10 and insert "(a) at thoroughbred race meets,"; and strike the new matter in lines 12 to 15 and insert "or (b) at race meets other than thoroughbred race meets, not less than fifteen nor more than eighteen per cent of the total, plus the odd cents of the redistribution over the next lower multiple of ten,".

ANNOUNCEMENT

Mr. Kennedy announced an executive session of the Public Health and Welfare Committee today at noon in the Supreme Court Hearing Room.

VISITORS

The President introduced the 8th grade class from St. Mary's School, Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, February 18, 1976.

Vincent D. Brown
Clerk of the Legislature

THIRTIETH DAY—FEBRUARY 18, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 18, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Almighty God, with weighty issues before this Legislature, and a host of bills demanding our attention and concern, give to these Senators mental astuteness, emotional rationality, steadfastness of purpose, debate in depth, an openness to information that will be brought forth. With the vast complexities before them, may they strive to see clearly the issues, have knowledge of the total program, and strive to reach those decisions which will be of maximum benefit for the people of our State. Through different points of view, through a variety of personalities, may we finally reach the maximum harmony of understanding and action.
>
> In our Lord's name, Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Cope and F. Lewis who were excused; Mr. Johnson who was excused until he arrives; Mr. Cavanaugh who was absent until 9:25 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-ninth Day was approved.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 1000 Monday, February 23, 1976, Room 2230 1:30 p.m.
Executive Session to follow hearing.

(Signed) J. R. Murphy, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following resolution was correctly engrossed: 106.

Correctly Enrolled

The following bill was correctly enrolled: 649.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 649.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 503. Replaced on Select File as amended.
E & R amendments to LB 503:

1. In the Fowler amendments, page 3, line 7, strike the period and insert a semicolon.
2. In the Fowler amendments, page 4, line 12, strike the period and insert "; and".
3. On page 10, line 21, strike "14" and insert "12".
4. In the Fowler amendments, page 6, line 10, strike the first period.
5. On page 16, line 6, strike "25" and insert "24".
6. On page 17, line 5, strike "33 to 37" and insert "32 to 36".
7. On page 19, line 7, strike "33 to 36" and insert "32 to 35".

LEGISLATIVE BILL 669. Replaced on Select File as amended.
E & R amendment to LB 669:

1. In the title, line 2, strike "and"; in line 3 insert "and 43-236.01," after the comma; and in line 7 insert "to provide for associate judges rather than referees;" after the semicolon.

LEGISLATIVE BILL 710. Placed on Select File as amended.
E & R amendment to LB 710:

1. In the title, line 5, strike "qualifications and".

LEGISLATIVE BILL 724. Placed on Select File as amended.
E & R amendments to LB 724:

(Note: Page references are to the printed bill.)

1. On page 5, line 22, insert an underscored comma after "year".

2. In lieu of the Stull amendment, on page 15, line 7, and in the title, line 15, strike "39-1309,".

LEGISLATIVE BILL 65. Placed on Select File as amended.
E & R amendment to LB 65:

1. In the title, as amended, strike line 6 and insert "provide additional grounds for suspension or revocation; to".

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 930. Placed on General File as amended.
Standing Committee amendments to LB 930:

1. On page 4, line 27 after "contract" insert "or substantially similar contracts", strike the second "of" and show as stricken, and after "annuity" insert "issued by the same company".

2. On page 5, line 2 after "contract" insert "or contracts", after the semicolon reinstate the stricken "or"; and strike lines 10 through 14.

LEGISLATIVE BILL 943. Placed on General File.

(Signed) J. R. Murphy, Chairman

Public Works

LEGISLATIVE BILL 889. Placed on General File as amended.
Standing Committee amendments to LB 889:

1. On page 2, line 9, after "Tuesday" strike "of" and insert "in" and after "September" strike "within" and insert "which is at least".

2. On page 3, line 4 strike the new matter and reinstate the stricken matter; strike the sentence beginning with "Notice" in line 6 through the period in line 10, showing the old matter as stricken, and insert the following "Notice of the time and place of the election shall be mailed by the clerk of the

district at least forty-five days prior to the election to each person who is entitled to vote at the election for trustees whose property ownership or lease giving a right to vote is of record on the records of the register of deeds as of a date designated by the board of trustees which shall be not more than fifty days prior to the election. Persons whose ownership or right to vote becomes of record or is received after such date may vote upon establishing their right to vote to the satisfaction of the election board.”.

3. On page 4, line 8 after the period insert “For purposes of voting for trustees, each condominium apartment under a condominium property regime established under the Condominium Property Act shall be deemed to be a platted lot and the lessee, or the owner of the lessee‘s interest, under any lease for an initial term of not less than twenty years which requires the lessee to pay taxes and special assessments levied on the leased property, shall be deemed to be the owner of the property so leased and entitled to cast the vote of such property.”; line 10 after the period insert “No corporation, estate, or trust shall be deemed to be a resident owner for purposes of voting for trustees.”; lines 11 and 12 strike “board of trustees” and insert “~~board of trustees~~ election board”; line 16 after the period insert “At the election held six years after the first election of trustees and at each election held thereafter, not fewer than three members shall be legal property owners and reside within such sanitary and improvement district.”; strike lines 17 through 27 and insert the following:

“Sec. 2. At any election held to elect trustees of a sanitary and improvement district, the ballots shall be received, counted, and canvassed by an election board of at least two and not more than four persons appointed by the election commissioner, or the county clerk in counties having no election commission. The election board members shall be paid, by the district, three dollars per hour for each hour worked. The district shall furnish ballots for the election, and such ballots shall be in form approved by the election commissioner or county clerk.”.

4. On page 5, strike beginning with “The” in line 6 through the underscored period in line 10.

LEGISLATIVE BILL 823. Placed on General File as amended.
Standing Committee amendments to LB 823:

1. On page 2, strike lines 1 through 27.
2. On page 3, strike lines 1 through 20.
3. On page 4, line 24, after "less" insert ", when not being used to tow another vehicle,"; line 27, after "1943," strike "and section 39-6,184," and insert "is repealed".
4. On page 5, strike line 1.
5. Renumber original sections 2 to 4 as sections 1 to 3, respectively.

(Signed) Maurice Kremer, Chairman

Urban Affairs

LEGISLATIVE BILL 773. Placed on General File.

(Signed) Steve Fowler, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 432.

A BILL FOR AN ACT to amend section 84-806.01, Reissue Revised Statutes of Nebraska, 1943, relating to special deputies; to provide for qualification standards for special deputies; to provide that the county shall be liable for acts of special deputies; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 20:

Anderson	Barnett	Bereuter	Burrows	Chambers
Clark	Duis	Fitzgerald	Fowler	Kelly
Koch	R. Lewis	Luedtke	Marsh	Marvel
Mills	Rasmussen	Simpson	Stoney	Warner

Voting in the negative, 22:

Burbach	Carsten	DeCamp	Dickinson	Dworak
Goodrich	Hasebroock	Kennedy	Keyes	Kime

Kremer Mahoney Maresh Moylan Murphy
Rumery Savage Skarda Stull Swigart
Syas Wiltse

Not voting, 7:

Cavanaugh Cope George Johnson F. Lewis
Nichol Schmit

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 442. With Emergency.

A BILL FOR AN ACT relating to funds; to state legislative intent; to provide review procedures prior to the acceptance of certain funds as prescribed; to require duties of agencies applying for funds, aids, or grants; to provide review procedures; to provide an operative date; to repeal section 81-1130, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson Barnett Bereuter Burbach Burrows
Carsten Clark DeCamp Dickinson Duis
Dworak Fitzgerald Fowler George Goodrich
Hasebroock Kelly Kennedy Keyes Koch
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Mills Moylan Murphy
Nichol Rasmussen Rumery Savage Schmit
Simpson Skarda Stoney Stull Swigart
Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 6:

Cavanaugh Chambers Cope Johnson Kime
F. Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 628. With Emergency.

A BILL FOR AN ACT to amend sections 39-6,138.01 and 39-6,138.02, Revised Statutes Supplement, 1974, relating to equipment on bicycles; to establish new requirements for bicycle safety equipment; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Anderson
Bereuter
Burbach
Carsten
Chambers
Clark
DeCamp
Dickinson
Duis
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Swigart
Syas
Warner
Wiltse

Voting in the negative, 4:

Barnett
Dworak
Kelly
Stull

Not voting, 5:

Burrows
Cavanaugh
Cope
Johnson
F. Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 678.

A BILL FOR AN ACT to repeal sections 39-803.01 to 39-803.06, Reissue Revised Statutes of Nebraska, 1943, relating to bridges.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson
Barnett
Bereuter
Burbach
Carsten
Chambers
Clark
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
George
Goodrich
Hasebroock

Kelly Kennedy Keyes Kime Koch
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Mills Moylan Murphy
Nichol Rasmussen Rumery Savage Schmit
Simpson Skarda Stoney Stull Swigart
Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 6:

Burrows Cavanaugh Cope Fowler Johnson
F. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 704. With Emergency.

A BILL FOR AN ACT to amend section 76-217.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 622, Eighty-fourth Legislature, Second Session, 1976, relating to acknowledgments of written instruments; to allow certain individuals who are notaries public to acknowledge instruments and administer oaths for various individuals from various financial organizations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson Barnett Bereuter Burbach Burrows
Carsten Chambers Clark DeCamp Dickinson
Duis Dworak Fitzgerald Fowler George
Goodrich Hasebroock Kelly Kennedy Kime
Koch Kremer R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Mills Moylan
Nichol Rasmussen Rumery Savage Schmit
Simpson Skarda Stoney Stull Swigart
Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 6:

Cavanaugh Cope Johnson Keyes F. Lewis
Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 896. Placed on General File as amended.
Standing Committee amendments to LB 896:

1. On page 13, line 3, strike "twenty-five" and insert "thirty-five"; line 9 after the comma strike "and" and show as stricken; line 12 strike "or issuer-dealer"; and line 13, after "8-1124" insert ", and (c) the securities shall not be offered for sale, or sold in reliance on this exemption by means of general advertising or general solicitation".
2. On page 14, lines 24 through 27, strike the new matter.
3. On page 15 and 16, strike the new matter.
4. On page 17 strike line 1.

(Signed) J. R. Murphy, Chairman

SELECT FILE

LEGISLATIVE BILL 817. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 666. E & R amendment found in the Journal on page 678 for the Twenty-ninth Day was adopted.

Mr. Chambers moved to indefinitely postpone. Motion pending.

LEGISLATIVE BILL 176. E & R amendments found in the Journal on page 678 for the Twenty-ninth Day were adopted.

Mr. Fowler asked unanimous consent to bracket until March 4, 1976. No objections. So ordered.

LEGISLATIVE BILL 174. E & R amendments found in the Journal on page 679 for the Twenty-ninth Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Members Excused

Mr. Koch asked unanimous consent to be excused February 19, 20, 23, and 24, 1976. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 519. Mr. Rasmussen renewed his pending motion found in the Journal on page 607 for the Twenty-fourth Day to indefinitely postpone.

The motion lost with 17 ayes, 20 nays and 12 not voting.

Mr. Schmit asked unanimous consent to withdraw his pending amendment found in the Journal on page 577 for the Twenty-third Day. No objections. So ordered.

Speaker Burbach renewed his pending amendment found in the Journal on page 651 for the Twenty-seventh Day.

Mr. R. Lewis renewed his pending amendment found in the Journal on page 688 for the Twenty-ninth Day to the Burbach amendment.

The R. Lewis amendment was adopted with 26 ayes, 0 nays and 23 not voting.

The Burbach amendment, as amended, was adopted with 28 ayes, 5 nays and 16 not voting.

Mr. Rasmussen moved to indefinitely postpone.

Mr. Rasmussen moved for a Call of the House. The motion prevailed with 23 ayes, 10 nays and 16 not voting.

The Call showed 46 members present.

Mr. Rasmussen requested a roll call vote.

Voting in the affirmative, 18:

Barnett
Burrows
Chambers
Clark
Dickinson
Fitzgerald
Fowler
Kelly
Kennedy
Keyes
Koch
Kremer
Mills
Nichol
Rasmussen
Stoney
Swigart
Warner

Voting in the negative, 24:

Anderson
Burbach
Carsten
DeCamp
Duis
George
Goodrich
Hasebroock
Kime
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Rumery
Savage
Schmit
Simpson
Skarda
Stull
Syas
Wiltse

Not voting, 7:

Bereuter Cavanaugh Cope Dworak Johnson
F. Lewis Murphy

The motion to indefinitely postpone lost with 18 ayes, 24 nays and 7 not voting.

Mr. Rasmussen moved the Call be raised. The motion prevailed.

Advanced to E & R for Review with 27 ayes, 13 nays and 9 not voting.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 25. Placed on General File as amended.
Standing Committee amendment to LB 25:

1. On page 2, line 11, strike the new matter and reinstate the stricken matter; line 12 reinstate "~~distal~~".

LEGISLATIVE BILL 794. Placed on General File as amended.
Standing Committee amendments to LB 794:

1. On page 2, line 9, after the period insert "Such employee may not withdraw the amount of his employee's account prior to his retirement and still receive such vested benefits."; line 10 after "Any" strike "such"; line 18 after the period strike "Such"; strike lines 19 through 21.
2. On page 4, line 8 after "subdivision" strike "each June 30" and insert "on or before July 31".
3. On page 5, line 2 after "transfer" strike "to the nearest June 30" and insert "on or before July 31"; lines 9 and 11 after "employee" insert "at the time transfer"; strike lines 14 through 19.
4. Renumber original section 6 as section 5.

LEGISLATIVE BILL 877. Placed on General File as amended.
Standing Committee amendments to LB 877:

1. On page 3, line 5, strike ", renewed" and insert "renewal".
2. On page 5, line 8, strike "and" and insert "~~and~~, or".
3. On page 9, line 14, strike "preceding" and insert "proceeding".
4. On page 15, line 13, strike "section" and insert "proceeding".
5. On page 22, line 7, strike "12" and insert "18".

6. On page 25, after line 5, insert new sections as follows:

"Sec. 24. No member of a board of examiners for any profession or occupation licensed by the Department of Health pursuant to the provisions of Chapter 71 shall be liable in damages to any person for slander, libel, defamation of character, breach of any privileged communication, or otherwise for any action taken or recommendation made within the scope of the functions of such board, if such board member acts without malice and in the reasonable belief that such action or recommendation is warranted by the facts known to him after a reasonable effort is made to obtain the facts on which such action is taken or recommendation is made.

Sec. 25. That section 71-1,104, Revised Statutes Supplement, 1975, be amended to read as follows:

71-1,104. Each applicant for a license to practice medicine and surgery shall (1) present proof that he or she is a graduate of an accredited school or college of medicine or, if a foreign medical graduate, provide a copy of a permanent certificate issued by the Educational Commission on Foreign Medical Graduates that is currently effective and relates to such applicant; (2) unless waived by the Board of Examiners in Medicine and Surgery with the approval of the Department of Health present proof that he or she has served at least one year of graduate medical education approved by the Board of Examiners in Medicine and Surgery; and (3) pass an examination prescribed and conducted by the Board of Examiners in Medicine and Surgery, and approved by the Department of Health covering appropriate medical subjects."; line 13, after the second comma insert "and section 71-1,104, Revised Statutes Supplement, 1975,".

7. Renumber original sections 24 and 25 as sections 26 and 27, respectively.

8. In the title, line 4, after the second comma insert "and section 71-1,104, Revised Statutes Supplement, 1975,".

(Signed) Thomas C. Kennedy, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 849. Placed on General File as amended.
Standing Committee amendment to LB 849:

1. On page 2 strike beginning with "each" in line 13 through "year" in line 15 and insert "the superintendent and each subordinate officer of the Nebraska State Patrol, who in the performance of such officer's duties is required to wear clothing other than the uniform provided by the Nebraska State Patrol, shall receive a three hundred dollar clothing expense allowance each year. In addition to such salary and any clothing expense allowance that may be provided, each officer of the State Patrol shall receive a one hundred twenty dollar cleaning allowance each year.".

(Signed) Gary L. Anderson, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 960. Placed on General File as amended.
Standing Committee amendments to LB 960:

1. Strike original section 4.
2. Renumber original section 5 as section 4.

(Signed) J. R. Murphy, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 576. Indefinitely postponed.
LEGISLATIVE BILL 835. Indefinitely postponed.

(Signed) George Syas, Chairman

GENERAL FILE

LEGISLATIVE BILL 998. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 444. Bracketed until March 31, 1976 at the request of Mr. Fowler.

LEGISLATIVE BILL 488. Title read. Considered.

Mr. Kime moved to indefinitely postpone.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 11 ayes, 14 nays and 24 not voting.

The motion to indefinitely postpone prevailed with 20 ayes, 16 nays and 13 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 313 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 313

1. In Section 1, page 3, line 18, insert after the word "installing" the words "gas and".

2. In Section 1, page 7, line 6, after the word "supplies" insert the words "for operation and maintenance of the district's facilities".

3. In Section 1, page 7, line 10, insert after "construction" the new words "or reconstruction".

4. In Section 1, page 7, delete lines 17 through 20 and substitute the following:

> "to be paid from funds expected to be received in the future, including, but not limited to, property tax collections, special assessment collections and proceeds of sale of general obligation bonds; and"

5. In Section 3, page 9, delete the new sentence starting with "Any" on line 20 and ending with "issue" on line 24 and replace deleted words on line 24.

6. In Section 4, page 11, line 4, insert after "constructing" the words "gas and".

7. In Section 4, page 11, line 4, insert prior to "water" the words "a civil defense warning system,".

8. Page 12, line 21, strike the period and insert the following:

> "after a public hearing held not less than five days after notice of the hearing has been published in a newspaper of general circulation in such municipality or county. Purchases of public parks, playgrounds and recreational facilities so approved may be completed and shall be valid notwithstanding any interest of any trustee of the district in the transaction."

9. In Section 4, page 15, line 26, delete "a metropolitan" and substitute therefor the word "any". Delete the following on page 16, lines 13-14, "of the metropolitan class,". Line 22, delete "of the metropolitan". Line 23, delete "metropolitan". Lines 25-26, delete "of the metropolitan class". On page 17, lines 3 and 4, delete the words "of the metropolitan class".

10. To Section 4, add new material to the end as follows:

> " The board of trustees shall have power, in connection with the issuance of any warrants or bonds of the district, to agree to make a specified minimum mill levy on taxable property in the district to pay, or to provide a sinking fund to pay, principal and interest on warrants and bonds of the district for such number of years as the board may establish at the time of making such agreement. And shall also have the power to agree to enforce, by foreclosure or otherwise as permitted by applicable laws, the collection of special assessment levied by the district. Such agreements may

contain provisions granting to creditors and others the right to enforce and carry out the agreements on behalf of the district and its creditors."

11. Section 5, page 17, line 10, insert after the comma after system the new words "a civil defense warning system,".

12. In Section 6, page 21, line 12, change "ten" to "sixty".

13. In Section 6, page 22, line 13, strike the first "and".

14. In Section 6, page 23, line 7, insert after "schedules" the following:

> "and, within five days after the first publication of such notice, a copy thereof, along with statements of costs and schedules of proposed assessments, shall be given to each person or company who, pursuant to written contract with the district, has acted as underwriter or fiscal agent for the district in connection with the sale or placement of warrants or bonds issued by the district."

15. In Section 7, page 24, starting on line 2, put a period after "years" and delete the balance of the sentence, including the new words, through semiannually on line 6. Insert following "years" on line 2 the following new sentences:

> "Each issue of general obligation bonds shall mature, or be subject to mandatory redemption, so that the first principal repayment is made not more than five years after date of issue and so that at least twenty percent of the district's bonds then outstanding shall be repaid within ten years after the date of such issue. Such bonds shall bear interest payable annually or semi-annually."

16. In Section 7, page 24, line 18, add after the new word "issuance" the following:

> "provided, however, that such warrants need not be retired within such five year period and shall not be in default if the district court of the county shall determine, upon application to it by the district, that the district does not have the funds to retire such warrants and either (a) the district is unable to sell its bonds in amount sufficient to retire such warrants, or (b) an unreasonably high tax mill levy, as compared to the mill levy on other similar property in the county, would be required in order to cover the debt service requirements on bonds issued to retire such warrants. Notice of the filing of such application and the time and place of the hearing thereon shall be published in a newspaper of general circulation in the county the same day each week three consecutive weeks. Within five days after the first publication of such notice, the district shall cause to be mailed, by United States certified mail, a copy of such notice to each holder of warrants covered by the application whose name and postoffice address are known to the district. Prior to the hearing, proof of such mailing shall be made by affidavit of a trustee of the district or its attorney that such mailing was made and further that the district, its trustees and its attorney, after diligent investigation and

> inquiry, were unable to ascertain and do not know the name and postoffice address of any holder of such warrants other than those to whom notice has been mailed in writing or who have waived notice in writing or entered an appearance in the proceeding. Upon making such determination the district court may make such orders concerning retirement of the warrants as it shall determine proper under the circumstances of the district."

17. In Section 7, page 24, line 27, after the period after "issuance", insert three sentences as follows:

> "The district may agree to pay annual or semi-annual interest on all warrants issued by the district and the district may issue warrants to pay such interest or may issue its warrants in return for cash to pay such interest. Warrants issued to pay interest on capital outlay warrants shall become due and payable in the same time as capital outlay warrants and warrants issued to pay interest on operation and maintenance warrants shall become due and payable not later than three years from date of issuance. The district may, if determined appropriate by the board of trustees, pay fees to fiscal agents in connection with the placement of warrants issued by the district."

18. In Section 8, page 25, line 22, delete "one year" and insert "six months".

19. Revise Section 9 on page 26 to read as follows:

'Section 9. Within thirty days after the effective date of this act as to existing districts, and within thirty days after the creation of districts thereafter created, the clerk of each district shall file with the register of deeds of each county or counties in which the district is located a statement containing the following information: (1) the district number; (2) the outer boundaries of the district; (3) the purpose or purposes for which the district was formed; (4) a statement that the district has the power to levy an unlimited property tax to pay its debt and its expenses of operation and maintenance; (5) a statement that the district is required to levy special assessments on property in the district to the full extent of special benefits arising by reason of improvements installed by the district; (6) that the annual budget of the district is filed with the county clerk which budget shows the anticipated revenue and expenses, mill levy and indebtedness of the district; (7) that the actual current mill levy amount of the district may be obtained from the county clerk, and (8) that a copy of the annual financial audit of the district is on file with the clerk of the district and the Auditor of Public Accounts. Such statement shall be supplemented and refiled to include any land added to the district after the original filing."

20. Add a new section as follows:

"Section_____. That Section 31-751, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

> 31-751. Sanitary and improvement district; assessments; equalization; levy, collection. After the equalization of such

special assessments as required by Sections 31-727 to 31-762, the same shall be levied by the board of trustees upon all lots or parcels of ground within the district which are benefited by reason of said improvement, such levy to be made within six months after acceptance of the improvement by the board of trustees; provided, that failure to levy assessments within such six-month period shall not invalidate assessments made after the six-month period. The same may be relevied, if for any reason the levy thereof is void or not enforceable. ~~in an amount not exceeding the previous levy.~~ Such levy shall be enforced as other special assessments and any payments thereof under previous levies shall be credited to the person or property making the same. Not less than eleven and not more than twenty days after the levying of any special assessment, the clerk of the district shall certify such levy to the county treasurer and county clerk of the county. If a notice of appeal from such levy has been filed with the clerk, the clerk shall note on the certificate of levy that an appeal has been commenced and that the amounts of the assessments are subject to redetermination pursuant to the appeal. All receipts given by the county treasurer for special assessments as to which an appeal is pending shall show thereon that the special assessment amount is subject to redetermination by the appeal. Upon termination of any appeal, the clerk of the district shall so certify to the county clerk and county treasurer. All assessments made for such purposes shall be collected in the same manner as general taxes and shall be subject to the same penalties or may be collected pursuant to Section 77-1917.01."

21. Add a new section as follows:

"Section_______. That Section 31-753, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-753. Sanitary and improvement district; special assessments; installments; interest; delinquent. All special assessments provided for in Section 31-739 shall become due in fifty days after the date of the levy and may be paid within that time without interest, but if not so paid they shall bear interest thereafter at the rate of seven percent per annum until delinquent. Such assessments shall become delinquent in equal annual installments over such periods of years, not exceeding ten, as the board of trustees may determine at the time of making the levy. Delinquent installments shall bear interest at the rate of nine percent per annum until paid and shall be collected in the usual manner for the collection of taxes. In the event that three or more installments shall be delinquent, the board of trustees may declare all of the remaining installments to be at once delinquent and such installments declared delinquent shall bear interest at nine percent per annum until paid and may be collected the same as other delinquent installments may be collected."

22. Add a new section to amend Section 77-1917.01 to read as follows:

"Section______. That Section 77-1917.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77.1917.01. Cities and villages; special assessments; delinquent; foreclosure proceedings. All cities, ~~and~~ villages and sanitary and improvement districts in Nebraska shall have a lien upon real estate within their boundaries for all special assessments due thereon to be municipal corporation or district, which lien shall be inferior only to general taxes levied by the state and its political subdivisions. When such special assessments have become delinquent, without the real property against which they are assessed being first offered at tax sale by the tax sale certificate method or otherwise, the municipal corporation or district involved may itself as party plaintiff proceed in the district court of the county in which the real estate is situated to foreclose, in its own name, the lien for such delinquent special assessments in the same manner and with like effect as in the foreclosure of a real estate mortgage, except as otherwise specifically provided by Sections 77-1903 to 77-1917, which shall govern when applicable. Final confirmation of sale in such foreclosure proceeding and issuance of deed to the plaintiff, or its assignee, cannot be had until two years have expired from the date of the sale held by the sheriff, and, after expiration of such two-year period, personal notice has been served on occupants of the real property. The remedy granted in this section to cities, ~~and~~ villages and sanitary and improvement districts for the collection of delinquent special assessments shall be cumulative and in addition to other existing methods."

23. Include Section 31-751 in repealer section.

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE BILL 992. Indefinitely postponed.

(Signed) George Syas, Chairman

ANNOUNCEMENT

Mr. Kennedy announced an executive session of the Public Health and Welfare Committee Thursday morning, 8:00 a.m., February 19, 1976.

MOTION—Rule Change

Mr. Warner moved the adoption of his rule change to Rule 6, 2g, found in the Journal on page 425 for the Sixteenth Day.

The Rule change was adopted with 31 ayes, 0 nays and 18 not voting.

MOTION–Place LB 992 on General File

Mr. Mahoney moved to place LB 992 on General File notwithstanding the action of the committee.

Motion pending.

UNANIMOUS CONSENT–Unbracket LB 544

Mr. R. Lewis asked unanimous consent to unbracket LB 544 on Select File. No objections. So ordered.

MOTION–Return LB 544 to Committee

Mr. R. Lewis moved to return LB 544 to the Agriculture and Environment Committee for a new public hearing.

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 120.

Introduced by Koch, 12th District.

WHEREAS, fire safety is of the utmost importance and concern of the State of Nebraska; and

WHEREAS, the safety and welfare of all citizens of the State of Nebraska require that certain fire safety codes and regulations be adopted and enforced; and

WHEREAS, fire safety codes and regulations have application across a broad spectrum of public and private entities, from state government to the local community; and

WHEREAS, any code or regulation having such broad pertinence should be uniformly enforced with the degree of agressiveness necessary to protect the general welfare of the state without working a hardship on the state or its citizens; and

WHEREAS, no investigation has been made in recent times concerning the scope and enforcement of current fire codes and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Government, Military and Veterans Affairs Committee hold a public hearing prior to the end of the current Legislative session to review the current fire safety codes and regulations, examine the jurisdiction of each agency or individual, on both the state and local levels, having jurisdiction over the enforcement and application of such fire safety codes and regulations, and investigate the enforcement practices and procedures in regard to such codes and regulations in the public and private sectors.

Mr. Koch moved to suspend the rules, Rule 4, sec. 6, to consider LR 120 at this time.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Koch moved to refer LR 120 to the Government, Military and Veterans Affairs Committee for a public hearing.

Laid over temporarily.

NOTICE OF COMMITTEE HEARING

Agriculture and Environment

LB 544 Thursday, February 26, 1976 12:00 p.m.

(Signed) Loran Schmit, Chairman

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 744. Indefinitely postponed.
LEGISLATIVE BILL 748. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

MOTION—Introduce Bill

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 1485).

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1004. By Appropriations Committee: Savage, 10th District; Stull, 49th District; Simpson, 46th District; Johnson, 15th District; Marsh, 29th District; Goodrich, 20th District.

A BILL FOR AN ACT to make appropriations and reappropriations for previously authorized capital construction projects; to amend section 77-2602, Revised Statutes Supplement, 1975, as amended by section 67, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975; to provide severability; to repeal the original section, and also section 22, Legislative Bill 609, Eighty-fourth Legislature, First Session, 1975, sections 38, 40 to 48, 50, 52, 56 to 66, 68, and 72, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, and sections 34, 42, and 50, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974; and to declare an emergency.

MOTION—Suspend Rules

Mr. Marvel moved to suspend the rules and place LB 1004 on General File without a public hearing.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 120. Mr. Barnett moved the adoption of the following amendment to LR 120:

To add a paragraph:

"The results of the hearing will determine if a study committee should be formed to study the issue during the interim."

The amendment was adopted.

The Koch pending motion found in this day's Journal to refer LR 120 to the Government, Military and Veterans Affairs Committee prevailed with 28 ayes, 0 nays and 21 not voting.

VISITORS

The President introduced 17 students from Geneva High School; 15 eighth grade students from St. Mary School, Lincoln; 29 eighth grade students from Hall County and sponsor; 33 Government students and sponsors from Tobias-Meridian; 9 members of the "Goodyear Top 10 Club", Lincoln; Mr. George Stoney, Omaha, father of Senator Stoney; 6 students and teacher from Greeley County; 27 "Y" Teens from Hastings and sponsors; 17 students and teacher from Adams Government class; 45 UNO students and instructor from Omaha; 23 Sterling High School students and sponsor from Johnson County.

ADJOURNMENT

At 12:02 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, February 19, 1976.

Vincent D. Brown
Clerk of the Legislature

THIRTY-FIRST DAY—FEBRUARY 19, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 19, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, our Father, how grateful we are for families and friends and associates who demonstrate a genuine interest in governmental affairs. Guide us this day, so we may have a composure when things go wrong; a serenity when we are irritated; and a willingness to go on when the going gets rough. Assist us so that we may control our tempers and regulate our speech; so we may have a central calm in the midst of storms, so we may respect our colleagues although differing with them.
>
> Give us broad horizons so no people in our state will ever be without our concern.
>
> In our Master's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Cope, Koch, and Schmit who were excused; Messrs. Hasebroock and Johnson who were excused until they arrive; Mr. Fowler who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirtieth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Duis asked unanimous consent to be excused at 10:45 a.m. for the remainder of the morning. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

February 17, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 413, 431, 460, 655, 675, 717, and Reengrossed Legislative Bill No. 635.

These bills were signed by me on February 16, 1976 and delivered to the Secretary of State.

Sincerely,
(Signed) J. James Exon
Governor

JJE:fw

February 18, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 657.

This bill was signed by me on February 17, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 19, 1976, at 8:50 a.m., was the following bill: 649.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE BILL 779. Placed on General File.

(Signed) George Syas, Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 831. Placed on General File as amended.
Standing Committee amendments to LB 831:

1. On page 2 insert a new section to read as follows:

"Section 1. Any original member, as defined in subdivision (12) of section 24-701, who has not previously retired, may elect to make contributions and receive benefits pursuant to subsection (2) of section 24-703 and subsection (2) of section 24-710, instead of those provided by subsection (1) of section 24-703 and subsection (1) of section 24-710. Such election shall be by written notice delivered to the board not later than September 1, 1976.".

2. Renumber original sections 1 to 5 as sections 2 to 6 respectively.

(Signed) W. H. Hasebroock, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 174 and 817.

Correctly Enrolled

The following bills were correctly enrolled: 442, 628, 678, and 704.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 442, 628, 678, and 704.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LR 120 Thursday, February 26, 1976 1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Kremer asked unanimous consent to be excused Monday, February 23, 1976 until Thursday, February 26, 1976. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 666. Mr. Chambers renewed his pending motion found in the Journal on page 697 for the Thirtieth Day to indefinitely postpone.

Mr. Mills moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 13 nays and 19 not voting.

The motion to indefinitely postpone lost with 8 ayes, 30 nays and 11 not voting.

Mr. Barnett offered the following amendment:
To strike subsection (1) of Sect. 11 and in sub-section (2) on line 18 strike "or grants".

Mr. F. Lewis asked unanimous consent to print the following amendment to LB 666 in the Journal. No objections. So ordered.

1. On page 3, strike lines 18 through 26 and insert the following:

"" Constitutional amendment to change provisions relating to appropriation of public funds for contracting with schools or institutions of learning for the benefit of the handicapped as prescribed.
For
Against"

"To change provisions relating to financial aid to students and matching of federal funds in accordance with the terms of such federal grants.
For
Against" ".

Laid over at the request of Mr. F. Lewis.

LEGISLATIVE BILL 503. E & R amendments found in the Journal on page 690 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 669. E & R amendments found in the Journal on page 690 for the Thirtieth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 710. E & R amendment found in the Journal on page 690 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 724. E & R amendments found in the Journal on page 691 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 65. E & R amendment found in the Journal on page 691 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 631. Placed on General File as amended.
Standing Committee amendments to LB 631:

1. On page 4 after line 11 insert a new section as follows:

"Sec. 4. That section 79-1337, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1337. In its calculations under section 79-1336, a district which provides a special program for (1) gifted children, or (2) culturally and educationally deprived children, shall be entitled to count each pupil regularly enrolled in such programs during the preceding year as one and one-fourth and two students respectively. To qualify for such adjustment, such programs must be approved by the State Board of Education. Criteria for the classification of gifted and culturally and educationally deprived children shall be established by the State Board of Education. In addition, each student eligible to be transported by bus, including those students reassigned by a state or federal court order and according to the provisions of section 79-490, shall be counted as one and one-fourth students.".

2. On page 5, line 4, strike "and"; and in line 7 after "1978" insert ", and that there be a like increase in the amount appropriated each year thereafter until the state provides forty per cent of the current operating expense, but in no event shall the state provide more than such percentage".

3. On page 6 after line 25 insert the following new sections:

"Sec. 9. That section 79-490, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-490. When no other means of free transportation is provided to a student attending a public school, an allowance for transportation shall be made to the family of such student by the district in which such family resides as follows: (1) Where a student attends an elementary school in his own district and lives more than four miles from the public schoolhouse therein, there shall be paid for each day of attendance forty cents per mile for each mile or fraction thereof by which the distance of the residence of such student from the schoolhouse exceeds four miles; (2) where a student is required to attend an elementary school outside of his own district there shall be paid for each day of attendance forty cents per mile for each mile or fraction thereof by which the distance to the school in the other district is in excess of the distance to the school in the district of his residence; ~~and~~ (3) where a student, other than a student in grades nine through twelve in any Class III district which has an average daily enrollment of ten thousand students or more, attends a secondary school in his own Class II or III school district and lives more than four miles from the public schoolhouse there shall be paid forty cents per mile for each mile or fraction thereof by which the distance of the residence of such student from the schoolhouse exceeds four miles; and (4) when any school district is ordered to reassign pupils from their neighborhood attendance unit by a state or federal court, any school district effected by such order shall be eligible for a transportation allowance as provided for in the School Foundation and Equalization Act for each student reassigned in all grades, kindergarten through the twelfth grade, regardless of the distance the pupils shall be transported. Where the patrons of a Class VI school district have voted to operate and provide free bus transportation for the pupils of the district, such district shall be eligible for payment for transportation as provided for in the School Foundation and Equalization Act. The number of days the student has attended school shall be reported monthly by the teacher to the school board of such public school district; Provided, not more than one allowance shall be made to a family irrespective of the number of students in a family being transported to school. No pupil shall be exempt from school attendance on account of distance from the public schoolhouse.

Sec. 10. That section 79-4,161, Revised Statutes Supplement, 1974, be amended to read as follows:

79-4,161. For purposes of sections 79-4,160 to 79-4,168, a school district's general fund expenditures shall be the total disbursements as reported on the annual finance report for that district less amounts disbursed for:

(1) The payment of principal, interest, and any other charge for or on bonded indebtedness;

(2) Expenditure for utilities excluding telephone expenses;

(3) The district's share of social security tax and retirement;

(4) That part of programs or activities funded in whole or in part by the United States government or its agencies but not for programs or activities funded in whole or in part by the State of Nebraska or any of its political subdivisions;

(5) Federal funds transferred to school lunch or transportation programs; ~~and~~

(6) Special education programs implemented after the 1972-73 school year to meet the requirements of sections 43-604, 43-609, 43-620, 43-625 to 43-627.01, 43-641 to 43-660, and 79-444; and

(7) Any expenditures attributable to activities ordered by state or federal courts.".

3. On page 7, line 22 after "sections" insert "79-490"; line 23, after "79-1336," insert "79-1337,"; line 24, strike "section and insert "section 79-4,161 and".

4. Renumber original sections 4 to 7 as sections 5 to 8, respectively, and renumber sections 8 and 9 as sections 11 and 12, respectivley.

(Signed) Frank Lewis, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 180
February 18, 1976

Dear Senator Lewis:

You have asked this office two questions concerning the interpretation of L. B. 410, Laws of 1974, and have stated that if the interpretation is not clear you intend to introduce a bill to clarify it.

The first question you ask concerns sec. 23-168.01, R.S. Supp., 1975. You have asked if it is clear who has the authority to appoint members of the board of adjustment. Nowhere is any person or board specifically delegated the authority to appoint members of this board, nor is that intent clear from the legislative history of L. B. 410. Sec. 23-168.01 provides in part that, "One member only of the board of adjustment shall be appointed by the county board from the membership of the county planning commission, . . . " That provision is susceptible of two interpretations. One, that the county board may appoint only one member to the board of adjustment and that member shall be a member of the planning commission; or secondly, that only one member of the planning commission may be appointed. We suspect that the second interpretation is that intended by the Legislature. However, that intent is not clear. It could be argued that in the absence of a specific delegation of the appointing authority elsewhere, that it must be assumed such authority is vested in the county board. Such an interpretation may be required by sec. 23-103, R.R.S. 1943, which provides that the powers of the county shall be exercised by the county board. However, we are not able at this time to state that it is perfectly clear that the authority to appoint members of the board of adjustment is vested in the county board.

Your second question concerns whether the county board may appoint a member of its own body to the board of adjustment. You have indicated that the intent of the legislation was that the county board not appoint a member of its own body to such a board. However, such intent is not clear from either the wording of the statute itself or from application of rules of interpretation. Generally, the Legislature has in the past specifically provided whether or not members of the county board may be appointed, or should be appointed, to other boards or commissions (ref. sec. 23-114.01, R.S.Supp., 1974; sec. 23-2603, R.R.S. 1943). For that reason we are unable to provide a definitive opinion as to whether or not a member of the county board may be appointed as a member of the board of adjustment. However, since other statutes concerning other situations provide when a county board member may not be appointed, or when a county board member must be appointed, silence on the subject may be interpreted to mean a county board member may be appointed.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Assistant Attorney General

GBS:ct
cc: Vincent D. Brown
Clerk of the Legislature

MOTION–Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Public Works. (Req. No. 1494)

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1005. By Public Works Committee: Kremer, 34th District, Chairman; Warner, 25th District; Kelly, 35th District; Moylan, 6th District; Cavanaugh, 9th District; Wiltse, 1st District; R. Lewis, 38th District.

A BILL FOR AN ACT relating to cities and villages with respect to public power; to provide legislative intent; to provide powers to contract for the generation or transmission of electric power and energy as prescribed; to provide for compliance with laws of other jurisdictions as prescribed; to provide severability; to repeal sections 18-412.03, 18-412.04, and 18-412.05, Revised Statutes Supplement, 1975; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 121.

Introduced by Administrative Rules and Regulations Committee: Duis, 39th District, Chairman; Moylan, 6th District; Kennedy, 21st District; Hasebroock, 18th District; R. Lewis, 38th District; DeCamp, 40th District.

WHEREAS, recent changes in Nebraska law have provided for the printing and distribution of administrative rules and regulations; and

WHEREAS, these changes in the law have been implemented; and

WHEREAS, the distribution and public availability of these rules has been deemed a valued service to Nebraskans; and

WHEREAS, it has been suggested that further changes in the law could enhance the value of this service to the people of this state; and

WHEREAS, suggestions and proposals for change should be carefully examined to determine their impact on the structure of Nebraska law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Judiciary Committee conduct an interim study of possible changes in the law relating to matters of public notice of hearings for rule change and other administrative agency activity, and the publishing of administrative agency decisions.
2. That such study shall include, but not be limited to, the possibility of expanding the duties of the Revisor of Regulations and the Secretary of State to perform functions such as publishing of notice of hearings and rule changes in a single established source of publication as well as establishing a state journal for the purpose of publishing administrative agency decisions.
3. That any plans or procedures involving the expenditures of funds shall not be viewed by the committee in terms of additional General Fund expenditures.
4. That the committee make a report of its findings together with its recommendations for any advantageous changes in state law to the next regular session of the Legislature so long as any plan, procedure, or change presented by the committee shall be financially self supporting.

Referred to Executive Board.

GENERAL FILE

LEGISLATIVE BILL 313. Considered.

Mr. Cavanaugh renewed his pending amendments found in the Journal on page 702 for the Thirtieth Day.

The amendments were adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Dickinson renewed his pending amendment found in the Journal on page 996 for the Fiftieth Day, First Session.

Mr. Stoney offered the following amendment to the Dickinson amendment:

Amend the Dickinson amendment on Line 11 strike at the, insert prior to.

The Stoney amendment was adopted with 21 ayes, 0 nays and 28 not voting.

Mr. Bereuter offered the following amendment to the Dickinson amendment:

Amend the Dickinson amendment in the following manner after the word "brochures" in the second paragraph insert "containing current information".

The Bereuter amendment was adopted with 19 ayes, 0 nays and 30 not voting.

The Dickinson amendment, as amended, was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 346. Title read. Considered.

Mr. DeCamp moved to indefinitely postpone.

Mr. F. Lewis requested a record vote.

Voting in the affirmative, 20:

Clark
DeCamp
Dickinson
Dworak
George
Hasebroock
Kennedy
Kime
Kremer
Luedtke
Maresh
Murphy
Rasmussen
Rumery
Skarda
Stoney
Stull
Swigart
Warner
Wiltse

Voting in the negative, 19:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Fitzgerald
Fowler
Goodrich
Keyes
F. Lewis
Mahoney
Marsh
Moylan
Savage
Simpson
Syas

Not voting, 10:

Cope
Duis
Johnson
Kelly
Koch
R. Lewis
Marvel
Mills
Nichol
Schmit

The motion prevailed with 20 ayes, 19 nays and 10 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Kennedy asked unanimous consent to be excused at 11:45 a.m. No objections. So ordered.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 806. Placed on General File as amended.
Standing Committee amendments to LB 806:

1. On page 4, line 15, strike "physical"; line 20, strike "physical".

2. On page 8, line 24, after "Hospital" insert ", or other public or private hospitals with acute psychiatric care facilities,".

3. On page 11, line 21, after "delivery" insert ", unless mailing such letters would be unlawful by reason of the contents thereof".

4. On page 13, strike lines 20 through 27 and on page 14 strike line 1 and line 2 through the period, showing the old matter as stricken, and insert "shall be allowed compensation at an hourly rate to be determined by the district judge, and in no event shall the amount allowed be less than fifty dollars for each hearing.".

5. On page 14, line 12, strike "the rate of" and show as stricken; line 13 strike "thirty dollars per case" and show as stricken, and insert "a fair and reasonable rate to be determined by the district judge".

6. On page 17, lines 4 and 5, strike "a physician licensed to practice medicine in this state,"; line 6 strike "one" and insert "any two"; and in line 6 after "A", insert "physician; a".

7. On page 18, line 4, after "therefrom", strike "upon", and insert "within twenty-four hours after delivery of"; line 16, at the beginning of the line insert ", or other government or private hospital,".

8. On page 19, line 8, after "center" insert ", government, private,".

9. On page 20, line 7, after "then" insert "the director of the facility shall notify the county attorney of his conclusion in this regard, and, unless proceedings are then pending before the mental health board or are instituted before such board within twenty-four hours after such notice has

been received by the county attorney,"; line 22, after "court" strike ". It" and insert "of any county within the judicial district where the subject person is found. Upon a showing of good cause therefore, a district judge, of the judicial district where the subject is found, may authorize such petition to be filed in another judicial district within the State of Nebraska with the clerk of the district court of a county within such other judicial district, and in such event, all proceedings before the mental health board shall be conducted by the mental health board serving such other county. In the order transferring such cause to another county, the judge shall include such directions as are reasonably necessary to protect the rights of the subject person under the circumstances. The petition".

10. On page 22, line 14, strike "hearing within two weeks of its issuance." and insert "preliminary hearing within five days after the subject has been taken into protective custody and shall fix the time for the final hearing within fourteen days after the date fixed for the preliminary hearing.".

11. On page 23, line 2, after "center" insert ", government, private"; line 11, after "center" insert ", government, private,".

12. On page 24, line 2 strike "final or"; line 4, strike "forty-eight hours" and insert "five days"; line 5 after "custody" insert "."; lines 5 through 7 strike ", but excluding any time that the subject has been in emergency protective custody under the provisions of section 16 of this act."; line 11, strike "seventy-two hours" and insert "five days"; and after the underscored period in line 11 insert "The final hearing shall be held in all events within fourteen days after the start of the preliminary hearing."; lines 13 and 14, strike "seventy-two hours" and insert "five days".

13. On page 27, line 16 strike "32" and insert "35"; line 17, strike "33" and insert "36".

14. On page 30, line 23, after "conducted" insert "by a qualified physician or clinical psychologist".

15. On page 35, strike lines 5 through 24.

16. On page 38, line 4, after "notify" insert "the district judge or".

17. On page 40, line 14, after "to" insert "petition the district court of the county where the

proceedings are pending and if the court finds that good cause has been shown, and to the extent ordered by the court, the subject shall".

18. On page 42, line 8, strike "criminal" and insert "civil"; line 10, after the underscored period insert "In no event shall evidence be considered which is inadmissible in criminal proceedings.".

19. On page 43, line 18, after "(13)" strike "The" and insert "Any qualified mental health professional, upon being authorized by the director of the mental health center or government, private, or state hospital having custody of the subject, is authorized to provide appropriate medical treatment for the subject while in custody; Provided, that the".

20. On page 45 line 5, after "activities" insert "to the extent determined to be appropriate by the mental health professional in charge of the treatment of such subject"; strike lines 7 through 9 and insert "such treatment as is essential in the judgment of the medical health professional in charge of such treatment to prevent the patient from causing injury to himself or others or which will substantially improve his mental illness and hasten his release from custody."; strike lines 13 through 16, and renumber subsections (6) to (11) as subsections (5) to (10), respectively.

27. On page 46, line 23, after the underscored period insert "Upon application by the county attorney or by the director of the facility where the subject is in custody and upon a showing of good cause therefore, a judge of the district court, of the county where the mental health board proceedings were held or of the county where the facility is located, may order that the records shall not be made available to the subject or any person in his behalf, if in the judgment of the court the availability of such records to the subject will adversely affect his mental state and the treatment thereof.".

(Signed) Thomas C. Kennedy, Chairman

Judiciary

LEGISLATIVE BILL 857. Placed on General File.
LEGISLATIVE BILL 859. Placed on General File.

LEGISLATIVE BILL 865. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
1005	Public Works

(Signed) Eugene T. Mahoney, Chairman

UNANIMOUS CONSENT–Change of Hearing Rooms

Mr. DeCamp asked unanimous consent to use the West Chamber this afternoon for the Agriculture and Environment Committee hearing. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Public Works

LB 1005	Friday, February 27, 1976	12:30 p.m.

(Signed) Maurice A. Kremer, Chairman

ANNOUNCEMENT

Mr. Anderson announced an executive session of the Miscellaneous Subjects Committee at 12:00 noon today in Room 1019.

VISITORS

The President introduced 46 ninth grade students and teacher from the West Point Government Class; 40 4-H members and sponsors from West Point; 35 seniors and instructor from Clarkson High School; 10 seventh grade students and teacher from Prague; 14 students and teacher from St. Mary's School, Lincoln; 45 Nebraska Kiwanians with Iowa District Governor Walt Morrison from Dennison, Iowa; Myron L. Rumery, Scott and Jeff Rumery, son and grandsons of Senator Rumery; Bob Pierce and Ron Schumacher of North Platte; Robert Cox, member of the Nebraska Environmental Control Council from Scottsbluff.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, February 20, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

THIRTY-SECOND DAY—FEBRUARY 20, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 20, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, our Father, who art the author of all liberty and freedom, to Thee we pray. Guide and bless the members of this legislature, as they represent the people of this State in committee room, in this chamber, in their voting record, and in their personal lives. Give them sustaining strength of mind, body and spirit to stand the persistent strains of their high office. Give them intolerance against all evils which would weaken our State, but great tolerance in hearing the evidence before making a decision. In using their sensitive minds to be rational, may they also keep alive that spark of heavenly fire called intuition which can guide us to a better society for all. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Cope and Koch who were excused; Mr. Cavanaugh who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-first Day was approved.

MESSAGE FROM THE GOVERNOR

February 19, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 248.
This bill was signed by me on February 18, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 20, 1976, at 8:40 a.m., were the following bills: 442, 628, 678, and 704.

(Signed) Barbara Jackson, Enrolling Clerk

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 19, 1976. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Tews and Noren:
Charles F. Noren – Wine Institute
David D. Tews – Wine Institute

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 998. Placed on Select File as amended.
E & R amendments to LB 998:

1. On page 2, line 7, strike "the above federal acts" and insert "such act and regulations"; and in lines 12 and 13 strike "the above-cited federal acts" and insert "such act and regulations".

LEGISLATIVE BILL 519. Placed on Select File as amended.
E & R amendments to LB 519:

1. On page 3, lines 2 and 3 strike "of the county issuing the same"; in line 7 insert "to" after "lease"; and in line 8 strike "to" and insert "by".

2. In the title, strike beginning with "2-1208.01" in line 3 through the semicolon in line 4 and insert "2-1207, Reissue Revised Statutes of Nebraska, 1943; to permit a variance in the amount to be paid out at certain race meets;".

(Signed) Donald N. Dworak, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 781A. By Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 781, Eighty-fourth Legislature, Second Session, 1976.

LEGISLATIVE BILL 795A. By Kremer, 34th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 795, Eighty-fourth Legislature, Second Session, 1976; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 666. Laid over temporarily at the request of Mr. Barnett.

GENERAL FILE

LEGISLATIVE BILL 434. Title read. Considered.

Mr. Fowler renewed his pending amendment found in the Journal on page 1239 for the Sixtieth Day, First Session, to the Standing Committee amendments.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Standing Committee amendments found in the Journal on page 926 for the Forty-seventh Day, First Session, were adopted, as amended, with 28 ayes, 0 nays and 21 not voting.

SPEAKER BURBACH PRESIDING

Advanced to E & R for Review with 26 ayes, 5 nays and 18 not voting.

MESSAGE FROM THE GOVERNOR

February 17, 1976

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Public Welfare, Institutions and Corrections Advisory Committee (Four year terms expiring January 1, 1980) requiring legislative confirmation:

Reappointment of Mrs. Robert Matz, Cozad
Reappointment of John Humpal, 10538 Larimore Circle, Omaha

I respectfully submit these appointments for your consideration.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:do

UNANIMOUS CONSENT—Member Excused

Mr. R. Lewis asked unanimous consent to be excused until noon on Monday, February 23 and until noon Tuesday, February 24, 1976. No objections. So ordered.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 146. Indefinitely postponed.
LEGISLATIVE BILL 268. Indefinitely postponed.
LEGISLATIVE BILL 478. Indefinitely postponed.
LEGISLATIVE BILL 738. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

SELECT FILE

LEGISLATIVE BILL 666. Mr. Barnett asked unanimous consent to withdraw his pending amendment found in the Journal on page 714 for the Thirty-first Day. No objections. So ordered.

Mr. F. Lewis asked unanimous consent to withdraw his pending amendment found in the Journal on page 714 for the Thirty-first Day. No objections. So ordered.

Mr. F. Lewis offered the following amendment:

AMENDMENTS TO LB 666

1. On page 2, at the end of line 4 insert "and the further amendment of Article VII by the addition of new section 11A thereto,"; in line 5 strike "is" and insert "are"; in line 11 strike "(1)" and strike lines 17 to 22 and insert "in nature.".

2. Beginning on page 2, line 26, through page 3, line 7, strike the new matter and show all old matter as stricken.

3. On page 3, after line 11, insert:

"Sec. 11A. Notwithstanding any other provision in the Constitution, the Legislature may provide financial aid in the form of loans or grants to students attending postsecondary educational institutions not wholly owned or controlled by the state or a political subdivision thereof if such aid is expressly limited to nonsectarian purposes. The Legislature may provide that the state may receive money from the federal government and distribute it in accordance with the terms of any such federal grants, but any public funds of the state, any political subdivision, or any public corporation added thereto shall not be used for sectarian purposes.".

4. On page 3, line 12, strike "amendment" and insert "amendments"; and strike lines 18 to 24 as amended and insert:

" 'Constitutional amendment to permit contracting with institutions not wholly owned or controlled by the state or any political subdivision for nonsectarian services for handicapped children.
For
Against
Constitutional amendment to permit financial aids for nonsectarian purposes to students attending postsecondary educational institutions not wholly owned or controlled by the state or a political subdivision thereof; and to prohibit the expenditure of public funds, added to funds received from the federal government, for sectarian purposes.".

PRESIDENT WHELAN PRESIDING

Mr. Mills offered the following amendment to the F. Lewis amendment:
Amend the Lewis Amend. Strike amendment 3, Sec. 11A.

The amendment lost with 10 ayes, 26 nays and 13 not voting.

The F. Lewis amendment was adopted with 28 ayes, 5 nays and 16 not voting.

Advanced to E & R for Engrossment with 30 ayes, 6 nays and 13 not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 807. Placed on General File as amended.
Standing Committee amendment to LB 807:

1. On page 2, lines 10, 11, and 12 strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 772. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 595. Indefinitely postponed.
LEGISLATIVE BILL 672. Indefinitely postponed.
LEGISLATIVE BILL 767. Indefinitely postponed.
LEGISLATIVE BILL 810. Indefinitely postponed.
LEGISLATIVE BILL 845. Indefinitely postponed.
LEGISLATIVE BILL 885. Indefinitely postponed.
LEGISLATIVE BILL 982. Indefinitely postponed.

(Signed) Dennis L. Rasmussen, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 849A. By F. Lewis, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 849, Eighty-fourth Legislature, Second Session, 1976.

GENERAL FILE

LEGISLATIVE BILL 464. Mr. Anderson asked unanimous consent to have the bill laid over until Monday, February 23, 1976. No objections. So ordered.

LEGISLATIVE BILL 426. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 671. Placed on General File.
LEGISLATIVE BILL 693. Placed on General File.
LEGISLATIVE BILL 759. Placed on General File.
LEGISLATIVE BILL 890. Placed on General File.

(Signed) Dennis L. Rasmussen, Chairman

GENERAL FILE

LEGISLATIVE BILL 652. Title read. Considered.

Standing Committee amendment found in the Journal on page 485 for the Eighteenth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 721. Title read. Considered.

Standing Committee amendment found in the Journal on page 448 for the Seventeenth Day was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE BILL 941. Indefinitely postponed.

(Signed) George Syas, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 669.

Correctly Engrossed

The following bills were correctly engrossed: 710 and 724.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 634. Title read. Considered.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 6 nays and 21 not voting.

Mr. Rumery asked unanimous consent to bracket LB 634 until Friday, February 27, 1976.

STANDING COMMITTEE REPORTS
Labor

LEGISLATIVE BILL 891. Placed on General File as amended.
Standing Committee amendment to LB 891:
1. On page 2, lines 16 and 21 after "and" insert "an employee or".

(Signed) Richard Maresh, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 962. Indefinitely postponed.

(Signed) George Syas, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 182. Placed on General File as amended.
Standing Committee amendments to LB 182:
(Amendments printed separate from the Journal and on file in the Clerk's office.)

LEGISLATIVE BILL 698. Placed on General File as amended. Standing Committee amendments to LB 698:

1. On page 2 insert a new section to read as follows:

"Section 1. That section 32-210.01, Revised Statutes Supplement, 1975, be amended to read as follows:

32-210.01. At the discretion of the district or precinct election inspectors any clerk of election may perform the duties of a judge of election, except the signing of ballots, and any judge of election may perform the duties of a clerk of election. In all counties in which an appointed election commissioner conducts the election, the judges and clerks of election and the board of canvassers for the county shall receive two dollars ~~and thirty cents~~ for each hour of service rendered, except that, in precincts having counting boards, no member of the receiving board shall receive pay for more than fourteen hours of service. District inspectors shall be paid at the rate of ~~three~~ two dollars and sixty-five cents per hour for the hours they shall serve. Each member of the election board shall sign an affidavit stating the number of hours such member has worked. All such expenses shall be paid out of the general fund of the county, except as otherwise provided in section 32-226.".

2. On page 4, strike beginning with "at" in line 9 through "clerk" in line 11 and insert "during the regular registration period and may be obtained upon an individual's request from the office of the election commissioner or county clerk prior to the regular registration deadline".

3. On page 6, strike beginning with "physically" in line 9 through the period in line 11 and insert "individuals with physical mobility limitations shall have unobstructed access to the polling place and to at least one polling booth in each polling place. The election commissioner shall certify the number of precincts which will be used and the number which are accessible to all voters ninety days prior to each election and (1) by January 1, 1977, not more than forty per cent of the polling places in a county shall be inaccessible, (2) at any election to be held in 1978 not more than thirty per cent of the polling places in the county shall be inaccessible, and (3) at any election to be held in 1980 not more than fifteen per cent of the polling places in the county shall be inaccessible. A

waiver of the percentage requirements of this section may be granted upon the showing of the election official's good faith efforts to comply with the provisions of this section and may be granted only with the written approval of the Secretary of State. For the purposes of this section election shall mean any primary, municipal, joint, or general election and shall include any school election.".

4. On page 7, strike lines 26 and 27.

5. On page 8, strike lines 1 to 4 and insert:

"(3) All polling places shall be so modified or relocated to architecturally barrier-free buildings to provide unobstructed access to such polling places by individuals with physical mobility limitations. At least one polling booth shall be so constructed as to provide easy access for individuals with physical mobility limitations. The modifications required by this section may be of a temporary nature to provide such unobstructed access only on voting day. The county clerk shall certify the number of precincts which will be used and the number which are accessible to all voters ninety days prior to each election and (1) by January 1, 1977, not more than forty per cent of the polling places in a county shall be inacessible, (2) at any election to be held in 1978 not more than thirty per cent of the polling places in the county shall be inacessible, and (3) at any election to be held in 1980 not more than fifteen per cent of the polling places in the county shall be inaccessible. A waiver of the percentage requirements of this section may be granted upon the showing of the county clerk's good faith efforts to comply with the provisions of this section and may be granted only with the written approval of the Secretary of State. For the purposes of this section election shall mean any primary, municipal, joint, or general election and shall include any school election.".

6. On page 8 insert a new section to read as follows:

"Sec. 5. That section 32-513, Revised Statutes Supplement, 1975, be amended to read as follows:

32-513. Prior to the filing of any nomination papers, there shall be paid to the county treasurer or city treasurer in case of municipal officers for the use of the general fund of the county or city of the candidate's residence, by or on behalf of each candidate, a filing fee as follows: For the office of United States

Senator, for state officers, including members of the Legislature, members of Congress, county officers, including county superintendent of public instruction, district superintendent of public instruction, and municipal officers, a sum equal to one per cent of the annual salary such candidate will receive if he is elected and qualifies for the office he files for as a candidate; for directors of public power and irrigation districts in those districts receiving annual gross revenue of forty million dollars or more, twenty-five dollars, and in those districts receiving annual gross revenue of less than forty million dollars, ten dollars; and reclamation districts, ten dollars. No nominating papers shall be filed until the proper treasurer's receipt, showing the payment of such filing fee, shall be presented to the officer with whom the nominating paper is to be filed. No certificate of nomination or certificate of election shall be issued to any candidate who is nominated or elected by write-in votes until the filing fee required for such office is paid and the receipt is filed with the person issuing the certificate, which filing fee shall be paid within ten days after the canvass of the votes. A filing fee of twenty-five dollars shall be required from candidates for Regents of the University of Nebraska and the State Board of Education. There shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than five hundred dollars per year. No filing fee shall be required of any candidate completing an affidavit in support of request to file for public office in forma pauperis.".

7. On page 8, line 7, strike "section" and insert "sections 32-210.01," and after "32-216," insert "and 32-513,".

8. Renumber original sections 1, 2, 3, and 4 as sections 2, 3, 4, and 6, respectively.

LEGISLATIVE BILL 880. Placed on General File as amended.
Standing Committee amendment to LB 880:

1. On page 6, line 22, strike "court" and insert "clerk".

(Signed) Dennis L. Rasmussen, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 503. Replaced on Select File as amended.
E & R amendment to LB 503:
1. On page 4, strike "32" and insert "31" in line 21.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. F. Lewis asked unanimous consent to print the following amendments to LB 684 in the Journal. No objections. So ordered.

(1) To strike 40 million in the committee report and insert 33 million dollars.

(2) To strike section 1 of LB 684.

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will meet for a few minutes under the North balcony immediately after adjournment.

UNANIMOUS CONSENT–Print in Journal

Mr. Clark asked unanimous consent to print the following amendment to LB 768 in the Journal. No objections. So ordered.
This section shall not apply to services of a type offered only by regulated Telephone Companies.

MOTION–Reconsider Action

Mr. DeCamp moved to reconsider action on LB 432 on Final Reading.

Motion pending.

UNANIMOUS CONSENT–Change of Hearing Time

Mr. Rasmussen asked unanimous consent to change the hearing time for LR 120 on Thursday, February 26, 1976 from 1:30 p.m. to 12:30 p.m. by the Government, Military and Veterans Affairs Committee. No objections. So ordered.

NOTICE OF CONTINUATION OF HEARING
Committee on Committees

A hearing on Governor Exon's appointment of Mr. Martin Dineen, 4539 Grover Street, Omaha, Nebraska as Nebraska State Fire Marshal was recessed until March 3rd on a motion by Senator Shirley Marsh and seconded by Senator Ernie Chambers to allow further testimony. No executive session was held on the appointments and reappointments by the committee for this will be taken up at the March 3rd hearing.

(Signed) John S. Savage, Chairman

VISITORS

The President introduced 50 elementary students from Paddock Lane School, Beatrice and sponsors.

ADJOURNMENT

At 11:54 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Monday, February 23, 1976.

Vincent D. Brown
Clerk of the Legislature

THIRTY-THIRD DAY—FEBRUARY 23, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 23, 1976

Pursuant to adjournment, the Legislature met at 9:31 a.m., Speaker Burbach presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our loving Father, we are grateful for the privilege of responsibility. Often pressing decisions cause inward frustrations. We know thou hast put us here on earth not for a picnic, but for a pilgrimage. May we all endeavor to live up to our capacities. While asking for Thy guidance, may we not shun hard thought, deep resolves, high integrity, and sheer common sense. While recognizing we have feet of clay and can be shattered by frustrations, never let us lose awareness of our supreme worth, for we have been created in Thy spiritual image, and destined to live as Thy children. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Koch, Johnson, Kremer, Anderson, and R. Lewis who were excused; Messrs. Fitzgerald and F. Lewis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 733, line 16, insert "No objections. So ordered.
The Journal for the Thirty-second Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

February 20, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 585, 629, 649, and 696.

These bills were signed by me on February 19, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINION

Opinion No. 181
February 17, 1976

Dear Senator Maresh:

This letter is in response to your inquiry if there is a "constitutional problem in LR 110, transferring the South East Community College to the University of Nebraska Foundation Board of Regents with the approval of the Governor and the Legislature." The same is hereinafter discussed.

Legislative Resolution 110 appears on pages 241-42 of the Legislative Journal of the Eighty-fourth Legislature, Second Session, 1976. It pertains to certain property acquired by the University of Nebraska Foundation in or near the City of Beatrice known as Pershing College. The resolution states in part as follows:

> "1. The Legislature consents to the Board of Regents acceptance of the transfer of the above-described real and personal property from the University of Nebraska Foundation, and thereupon the transfer of such property to Southeast Technical Community College.
>
> "2. The Legislature further consents to the Southeast Technical Community College acceptance of the transfer of such real and personal property from the Board of Regents, and thereupon shall reimburse the University of Nebraska Foundation for its costs and expenses in accepting and maintaining such property as herein described."

We find no constitutional problems in LR 110. On the other hand we call your attention to Neb. Rev. Stat. Sections 25-2501 to 25-2506 (Supp. 1974), which mandates timely public hearing in matters such as this.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:smh
cc: Mr. Vincent Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 666. Replaced on Select File as amended.
E & R amendments to LB 666:

1. On page 3, line 16, strike "amendment" and insert "amendments" and strike "ballot" and insert "ballots".
2. On page 4, line 1, strike "amendment" and insert "amendments"; and in line 4, strike the second "it" and insert "them".
3. In the title, line 2, strike "an amendment" and insert "amendments"; strike beginning with "to" in line 5 through the semicolon in line 10 and insert: "to permit contracting for nonsectarian services for handicapped children; to permit aid for nonsectarian purposes for postsecondary students; to prohibit the use of public funds for sectarian purposes;"; and in line 12, strike "ballot" and insert "ballots".

LEGISLATIVE BILL 313. Placed on Select File as amended.
E & R amendments to LB 313:

1. All amendatory matter having been removed therefrom, strike section 3.
2. Renumber and number sections as follows: Original sections 4 to 6 as sections 3 to 5, the new section amending section 31-751 as section 6, the new section amending section 31-353 as section 7, original sections 7 to 10 as amended as sections 8 to 11, the new section added by the Dickinson amendment as section 12, the new section amending section 77-1917.01 as section 13, and original section 11 as section 14.
3. On page 6, line 25, insert an underscored comma after "31-762".

4. On page 7, line 7, strike the first "and".

5. In the Cavanaugh amendment 4, line 6, insert an underscored comma after "collections".

6. In lieu of the Cavanaugh amendment 9, on page 15, line 26, strike "a metropolitan" and show as stricken and insert "any"; on page 16, lines 13 and 14, strike "of the metropolitan class," and show as stricken; insert an underscored period at the end of line 21; strike through the period in line 22 and show as stricken; in line 25 strike "a" and insert "~~a~~ any"; and in lines 25 and 26 strike "of the metropolitan class" and show as stricken; and on page 17, lines 3 and 4, strike "of the metropolitan class" and show as stricken.

7. In the Cavanaugh amendment 10, line 10, strike ". And" and insert ", and"; and in line 11 strike "the".

8. In lieu of the Cavanaugh amendment 12, on page 21, line 12, strike "ten" and insert "~~ten~~ sixty".

9. In the last line of the Cavanaugh amendment 14, strike the period.

10. In new section 6, strike lines 4 and 5 and insert:

"31-751."; in line 18 insert a stricken comma before "~~in~~"; and in line 29, strike "the clerk" and insert "he".

11. In new section 7, strike lines 4 and 5 and "delinquent." in line 6 and insert:

"31-753."; and in lines 19 and 20 strike "In the event that" and insert "If".

12. On page 24, line 6, strike the period and show as stricken.

13. In the Cavanaugh amendment 15, line 4, strike " 'years' " and insert " 'the period' "; in line 9 insert "the" after "after" and strike "issue" and insert "issuance"; and in line 12 strike "such issue" and insert "issuance".

14. In the Cavanuagh amendment 16, line 3, strike "provided, however," and insert "; Provided,"; and redesignate subdivisions (a) and (b) as (1) and (2) respectively.

15. In the Cavanaugh amendment 17, line 5, strike "the district"; and in line 13 insert "the" after "from".

16. In renumbered section 10 as revised, line 19, insert an underscored comma after "clerk"; and in line 23 strike the comma and insert an underscored semicolon.

17. On page 26, lines 24 and 25, and line 26, strike "sanitary and improvement".

18. On page 27, line 7, strike the comma.

19. In renumbered section 12, insert "the" at the end of line 4; and in line 13 strike the second and third commas.

20. In lieu of the Stoney amendment, in renumbered section 12, line 11, strike "At" and insert "Prior to".

21. In renumbered section 13, strike lines 4 and 5 and insert:

"77-1917.01."; in line 9 strike "be" and insert "the" as in the statutes; and in line 18 insert a stricken comma after "plaintiff".

22. On page 23, lines 20 and 21, strike "Reissue Revised Statutes of Nebraska, 1943," and insert "Revised Statutes Supplement, 1975,"; on page 24, line 15, strike "eighty-five" and insert "ninety-five" and after the period in line 24 insert "The board of trustees shall pay to the contractor interest, at the rate of eight per cent per annum on the amounts due on partial and final payments, beginning forty-five days after the certification of the amounts due by the engineer in charge and approval by the board of trustees, and running until the date that the warrant is tendered to the contractor.".

23. On page 27, lines 9 and 10, strike "31-755, and 31-764," and insert "31-751, 31-753, 31-764, and 77-1917.01,"; in line 11 strike the first "and" and strike "31-739,"; and in line 12 insert "and section 31-755, Revised Statutes Supplement, 1975," after the second comma.

24. In the title, line 2, insert "relating to sanitary and improvement districts;" after "ACT" and strike "31-755, and 31-764," and insert "31-751, 31-753, 31-764, and 77-1917.01," in line 4 strike "and"; at the end of line 5 insert "and section 31-755, Revised Statutes Supplement, 1975;" strike lines 6 to 16 and insert "to harmonize provisions; to define terms; to increase the trustee's bond; to provide additional powers, purposes, duties, and contracts; to provide for levies, assessments, delinquencies, and collections; and to repeal the original sections.".

Correctly Engrossed

The following bill was correctly engrossed: 65.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 902. Placed on General File as amended.
Standing Committee amendments to LB 902:

1. Strike original sections 1 to 6 and insert:

"Section 1. (1) There is hereby created an agency of state government to be known as the State Energy Office. The office may be a separate executive department or a division within an existing executive department, as determined by the Governor.

(2) The chief executive officer shall be known as the Director of the State Energy Office and shall be appointed by the Governor, with the advice and consent of the Legislature. The director shall administer the affairs of the office, and shall serve at the pleasure of the Governor. The director may employ such assistants, professional staff, and other employees as may be deemed necessary to effectively carry out the provisions of this act within such appropriations as the Legislature may provide. The salary of the director shall be fixed by the Governor unless otherwise expressly provided for by law.

Sec. 2. The State Energy Office shall have the following duties:

(1) To serve as or assist in developing and coordinating a central repository within state government for the collection of data on energy;

(2) To undertake a continuing assessment of the trends in the availability, consumption, and development of all forms of energy;

(3) To collect and analyze data relating to present and future demands and resources for all sources of energy and specify energy needs for the state;

(4) To carry out energy conservation measures within the state and recommend to the Governor and the Legislature additional energy policies and conservation measures for the state;

(5) To inform and educate the public about energy and energy alternatives;

(6) To accept, expend, or dispense funds, public or private, made available for research studies, demonstration projects, or other activities which are related either to energy conservation or development;

(7) To study the impact and relationship of state energy policies to national and regional energy policies;

(8) To actively seek the advice of the citizens of Nebraska regarding energy policies and programs; and

(9) To prepare emergency allocation plans suggesting actions to be taken in the event of serious shortages of energy.

Sec. 3. The office shall have the power to do such things as are necessary to carry out this act including but not limited to the following:

(1) To adopt rules and regulations, pursuant to Chapter 84, article 9, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, to carry out the purposes of this act;

(2) To make all contracts pursuant to this act and do all things to cooperate with the federal government, and to qualify for, accept, expend, and dispense public or private funds intended for the implementation of this act;

(3) To contract for services, if such work or services cannot be satisfactorily performed by employees of the agency or by any other part of state government;

(4) To enter into such agreements as are necessary to carry out energy research and development with other states;

(5) To carry out with the approval of the Governor such duties and responsibilities relating to energy as may be requested or required of the state by the federal government;

(6) To cooperate with the approval of the Governor and participate in the activities of organizations of states relating to the availability, conservation, development, and distribution of energy.

(7) To engage in such activities as will seek to insure that the State of Nebraska and its citizens receive an equitable share of energy supplies at a fair price; and

(8) To form advisory committees of citizens of Nebraska to advise the director of the energy office on programs and policies relating to energy and to assist in implementing such programs. Such committees shall be of a temporary nature and no member shall receive any compensation for serving

on any such committee, but with the approval of the Governor members shall receive reimbursement for actual and necessary expenses on the same basis and subject to the same conditions as full-time state employees. The minutes of meetings of and actions taken by each committee shall be kept and a record shall be maintained of the name, address, and occupation or vocation of every individual serving on any committee. Such minutes and records shall be maintained in the State Energy Office and shall be available for public inspection during regular office hours.

Sec. 4. The State Energy Office shall prepare an annual report of its activities for the Governor and Legislature which report shall include an analysis of state energy treands. Such report shall be on a calendar year basis and presented within thirty-one days following the close of each calendar year.".

2. In the title, strike beginning with "to" in line 4 through "duties;" in line 6 and insert "and"; and strike beginning with the semicolon in line 7 through "sources" in line 8.

(Signed) Dennis L. Rasmussen, Chairman

Public Works

LEGISLATIVE BILL 821. Placed on General File as amended.
Standing Committee amendments to LB 821:

1. On page 4, line 12, after "profession", insert "and related scientific fields".

2. On page 8, line 8, after "(2)", strike "Establish" and insert "Require all laboratory analyses to be performed at the Department of Health Laboratory, or at any other laboratory which has entered into an agreement with the Department of Health therefor, and establish".

3. On page 11, line 5, strike "water quality" and insert "drinking water".

LEGISLATIVE BILL 839. Placed on General File as amended.
Standing Committee amendments to LB 839:

1. On page 2, line 15 strike "January 1, 1976," and insert "March 1, 1977, and on March 1 of each year thereafter,"; in line 18 strike "a" and insert "and obtain the annual", after "permit" insert "and pay the motor vehicle tax", and after "required" insert "by section 60-1603".

2. On page 3, line 5 strike "January" and insert "March"; in line 6 strike "1976," and insert "1977, and on March 1 of each year thereafter,"; in line 8 strike "a" and insert "and obtain the annual", and after "permit" insert "and pay the motor vehicle tax"; and in line 9 after "required" insert "by section 60-1603".

3. On pages 3 and 4 strike original section 3.

4. On page 4, after line 10, insert a new section as follows:

"Sec. 3. This act shall become operative on March 1, 1977.".

5. On page 4, line 11 strike the comma and insert "and"; and in line 12 strike "and 60-1608,".

LEGISLATIVE BILL 780. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

LEGISLATIVE BILL 910. Indefinitely postponed.

(Signed) Irving F. Wiltse, Vice-Chairman

UNANIMOUS CONSENT—Unbracket LB 239

Mr. Kennedy asked unanimous consent to unbracket LB 239 on Final Reading for February 24, 1976. No objections. So ordered.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 106.

WHEREAS, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenue, so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenue; and

WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, under article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action is vital.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the State of Nebraska requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.
2. That, alternatively, this Legislature makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.
3. That this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the federal Constitution.
4. That the Clerk of the Legislature transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 29:

Burbach Carsten Clark Cope DeCamp
Dickinson Dworak George Goodrich Hasebroock
Kelly Kennedy Mahoney Maresh Marsh
Marvel Moylan Murphy Nichol Rasmussen
Rumery Savage Schmit Skarda Stoney
Stull Swigart Warner Wiltse

Voting in the negative, 7:

Bereuter Burrows Duis Fowler Luedtke
Mills Simpson

Not voting, 13:

Anderson Barnett Cavanaugh Chambers Fitzgerald
Johnson Keyes Kime Koch Kremer
F. Lewis R. Lewis Syas

A constitutional majority having voted in the affirmative, the resolution was declared passed and the title agreed to.

UNANIMOUS CONSENT–Change of Order

Mr. Syas asked unanimous consent to consider LB 666 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 666. E & R amendments found in this day's Journal were adopted.

Mr. Mills requested a machine vote on advancing LB 666.

Advanced to E & R for Engrossment with 27 ayes, 8 nays and 14 not voting.

Mr. Mahoney asked unanimous consent to expedite LB 666. No objections. So ordered.

LEGISLATIVE BILL 998. E & R amendment found in the Journal on page 727 for the Thirty-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 519. E & R amendments found in the Journal on page 727 for the Thirty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 503. E & R amendment found in the Journal on page 737 for the Thirty-second Day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 464. Title read. Considered.

Mr. DeCamp moved to reject the Standing Committee amendments found in the Journal on page 1021 for the Fifty-first Day, First Session.

The motion lost with 19 ayes, 9 nays and 21 not voting.

Mr. DeCamp moved to adopt the Standing Committee amendments.

The Standing Committee amendments lost with 10 ayes, 18 nays and 21 not voting.

Mr. DeCamp renewed his pending amendments found in the Journal on page 475 for the Eighteenth Day.

Mr. Chambers asked if he could offer an amendment at this time.

The Chair ruled an amendment would be in order.

Mr. DeCamp appealed the decision of the Chair. The question is, "Shall the Chair be sustained?" The motion lost with 12 ayes, 22 nays and 15 not voting.

The DeCamp amendment was adopted with 25 ayes, 3 nays and 21 not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 620 for the Twenty-fifth Day.

MR. SAVAGE PRESIDING

Mr. DeCamp asked unanimous consent to withdraw his amendment on page 620. No objections. So ordered.

Mr. DeCamp offered the following amendment:

AMENDMENT TO LB 464

In the DeCamp amendment on page 478 insert new section as follows:

Sec. 16. Lotteries operated for schools, fraternal organizations and religious organizations for fund raising purposes shall be exempt from the provisions of this act.

Renumber original sections 16 to 21 as sections 17 to 23.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Cavanaugh asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
P. 476, line 16, after "sales", strike language in lines 16, 17, 18

The amendment lost with 14 ayes, 19 nays and 16 not voting.

Mr. Chambers moved to indefinitely postpone.

Mr. Chambers moved for a Call of the House. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

The Call showed 43 members present.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 20:

Barnett
Bereuter
Burrows
Carsten
Chambers
Dickinson
Dworak
Fowler
Kelly
Kennedy
Luedtke
Maresh
Marsh
Marvel
Mills
Murphy
Nichol
Stull
Swigart
Warner

Voting in the negative, 23:

Burbach
Clark
Cope
DeCamp
Duis
Fitzgerald
George
Goodrich
Hasebroock
Keyes
Kime
F. Lewis
Mahoney
Moylan
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Syas
Wiltse

Not voting, 6:

Anderson
Cavanaugh
Johnson
Koch
Kremer
R. Lewis

The motion to indefinitely postpone lost with 20 ayes, 23 nays and 6 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed.

Failed to advance to E & R for Review with 24 ayes, 18 nays and 7 not voting.

UNANIMOUS CONSENT–LB 239

Mr. Kennedy asked unanimous consent to hold LB 239 on Final Reading until March 1. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 666.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 969. Placed on General File as amended.
Standing Committee amendment to LB 969:
1. On page 2, line 22, after "mail" strike "return receipt requested".

(Signed) Maurice A. Kremer, Chairman

LEGISLATIVE BILL 955. Indefinitely postponed.

(Signed) Irving F. Wiltse, Vice-Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 834. Placed on General File as amended.
Standing Committee amendment to LB 834:
1. On page 3, line 14 after "resources" insert "and preserve natural wetland areas in this state"; and in line 19 after "basin" insert "and any area which constitutes a natural wetland".

(Signed) George Syas, Chairman

Education

LEGISLATIVE BILL 758. Placed on General File.

LEGISLATIVE BILL 803. Placed on General File as amended.
Standing Committee amendment to LB 803:

1. On page 2, line 3 strike "monthly" and insert "at least once each month".

(Signed) Frank Lewis, Chairman

ATTORNEY GENERAL'S OPINIONS

Opinion No. 182

February 17, 1976

Dear Senator Lewis:

You have asked two (2) questions which pertain to LB 579 of the Eighty-Fourth Legislature, First Session, and amendments thereto. Each is hereinafter discussed.

I.

> "Does inclusion of the Technical Community Colleges in LB 579 indicate 'state control' of the colleges and if so to what extent does this effect the constitutionality of the Tech College Law?"

LB 579 would create the Nebraska Coordinating Commission for Postsecondary Education, hereinafter referred to as the commission. The commission would consist of fifteen members and would have the authority, inter alia, to: (1) employ a professional staff; (2) call on all agencies of the state and the political subdivision thereof for assistance, including but not limited to the furnishing of records, facilities, and personnel of the agency in order to assist the commission in the performance of its duties and to prevent duplication of efforts in the area of educational coordination; (3) establish advisory committies; (4) establish close liaison with the State Board of Education to insure coordination between planning efforts for elementary-secondary education and for postsecondary education; (5) develop in conjunction with the postsecondary institutions of this state and appropriate state agencies, comprehensive plans for the coordination of postsecondary education services and facilities; (6) advise, consult, and cooperate with other agencies of this state, the federal government, other states, affected institutions or groups, and political subdivisions to further the purpose of this act; (7) accept and administer loans, grants, and programs from the federal or state government and from other sources, public and private, for carrying out any of its functions, which loans and grants shall not be expended for any other than the purposes for which provided; to determine institutional eligibility for such loans, grants, and programs when such determination is to be made by the administering state agency; (8) facilitate communication and coordination among the postsecondary institutions of the state in such areas as (a) the sharing of resources, expertise, and facilities among institutions, (b) the establishing of plans, practices, procedures, and policies on matters which affect more than one institution, and (c) establish a high degree of articulation among the programs of institutions where such articulation is to the benefit of students; and () make recommendations (a) to the postsecondary education institutions of this state concerning methods which may benefit the services they provide and (b) to the Governor and the Legislature concerning legislation which may be beneficial to the postsecondary education services in this state. It will thus be seen that the powers granted to this commission are varied.

The question of whether an act of the Legislature pertains to state purposes or local purposes is a judicial question. There is no sure test by which state purposes may be distinguished from local. The court must consider each case as it arises and draw the line of demarcation. Upon giving due consideration to LB 579 and the various aspects of state control leading to a state purpose which were discussed in State ex rel. Western Nebraska Technical Com. Col. Area v. Tallon, 192 Neb. 201, 219 N.W. 2d 454 (1974), we are of the opinion that the inclusion of the technical community colleges in LB 579 does not indicate "state control" of said colleges. The line of demarcation, however, is not entirely free of doubt.

II.

> "Would the Warner Amendments to LB 579 found on page 433 of the Legislative Journal impose 'state control' on the Tech Colleges thereby effecting the constitutionality of the Tech College Law?"

Senator Warner's amendment to this legislative bill would reduce the number of members on the commission from fifteen to twelve. It would also eliminate or modify some of the powers and duties stated in LB 579. Again, the line of demarcation is difficult to draw. However, it would appear, and it is our opinion, that Senator Warner's amendments to LB 579 would not impose "state control" on the technical community colleges and thus would not affect the constitutionality of the technical community college law.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 183
February 19, 1976

Dear Senator Koch:

You have asked whether LB 579 would diminish the constitutional power of the Board of Regents and the Board of Trustees of state colleges. LB 579 establishes a Nebraska Coordinating Commission for Postsecondary Education whose functions are to coordinate and plan for postsecondary institutions in the State of Nebraska. Section 8 of the bill provides:

> " . . . The commission shall have the option of compensating its staff either through the state pay plan or through the payroll of the University of Nebraska, . . . "

In addition the commission is empowered to hire and supervise staff. This language is of questionable constitutionality. It may arguably be an unlawful delegation of legislative power to an administrative agency.

Section 8, subsection 2 of LB 579 provides that the commission may request the assistance and data from departments, divisions, boards, bureaus, commissions or agencies of the state. Under Section 9, subsection 2 of LB 579 the commission is authorized to establish uniform data definition and collection techniques. The combination of these two powers could arguably be construed to lessen the power of the Board of Regents and the Board of Trustees to govern their institutions. While we point to no provision of the Constitution which would be violated by these items we do note that the Board of Regents has instituted a lawsuit challenging the authority to impose similar restrictions or prohibitions upon their powers. It is possible that a definitive answer to these questions may come through the resolution of that lawsuit.

Since the powers of the commission as established by LB 579 do not extend to the power to compel actions by postsecondary institutions it cannot be said that it is violative of the constitutional powers granted to the governing boards of such institutions.

Thus, we are unable to say with certainty that LB 579 is unconstitutional.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

ANNOUNCEMENT

Mr. Schmit announced an executive session of the Agriculture and Environment Committee at 12:00 Noon today under the North balcony.

MOTION—Place LB 835 on General File

Mr. Bereuter moved to place LB 835 on General File notwithstanding the Committee action.

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 682. Title read. Considered.

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 683. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE RESOLUTION 115. Read and considered.

Standing Committee amendments found in the Journal on page 668 for the Twenty-eighth Day were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Marvel asked unanimous consent to hold LR 115 until tomorrow. No objections. So ordered.

State Flag Stamp Ceremony

Speaker Burbach announced a State Flag Stamp ceremony in the rotunda immediately upon adjournment.

UNANIMOUS CONSENT—Print in Journal

Mr. Bereuter asked unanimous consent to print the following amendment to LB 868 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 868

1. On page 3 insert new sections to read as follows:

"Sec. 2. That section 77-27,144, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,144. The Tax Commissioner shall collect the tax imposed by any incorporated municipality concurrently with collection of a state tax in the same manner as the state tax is collected. The Tax Commissioner shall remit monthly the proceeds of the tax to the incorporated municipalities levying the tax, after deducting the amount of refunds made and then three per cent of the remainder as an administrative fee necessary to defray the cost of collecting the tax and the expenses incident thereto. The Tax Commissioner shall keep full and accurate records of all money received and distributed under the provisions of sections 77-27,142 to 77-27,148.

All receipts from the three per cent administrative fee shall be deposited in the state General Fund. ~~Tax Commissioner Cash Fund which is hereby created. Expenditures from this fund shall be used for costs incurred in the development, adminstration, and enforcement of sections 77-27,142 to 77-27,148. Any money in the Tax Commissioner Cash Fund available for investment shall be invested by the state investment officer pursuant to the provisons of sections 72-1237 to 72-1259.~~

Sec. 3. This act shall become operative on July 1, 1976.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 3, line 3 after "original" insert "section 77-27,144, Reissue Revised Statutes of Nebraska, 1943, and"; line 4 strike "is" and insert "are".

3. Renumber original section 2 as section 4.

UNANIMOUS CONSENT–Print in Journal

Mr. Bereuter asked unanimous consent to print the following amendment to LB 1004 in the Journal. No objections. So ordered.

AMENDMENT TO LB 1004

On page 18, after line 14, insert:

"Expenditure of funds in program 968 to be used for the purposes of historical restoration, historical and archelogical research, interpretive planning, design, and reconstruction shall be approved by the Nebraska State Historical Society. The Game and Parks Commission may contract with the State Historical Society, or with the advice of the State Historical Society, may contract for such services or consult with other qualified parties to insure development in a manner commensurate with good park and museum management.

The Game and Parks Commission with the advice of the State Historical Society shall be responsible for budgeting such activities to preserve, maintain, or erect structures for historical resources.

To implement the provisions of this act, the Nebraska State Historical Society and the Game and Parks Commission shall enter into a cooperative agreement for the management of state his- torical parks which are so designated and under the control of the Game and Parks Commission. Such agreement shall reflect the society's primary responsibility for historical research, restoration, and interpretation, and the commission's primary responsibility for park operations, maintenance, and development of outdoor recreation. Preplanning conferences shall be held by the agencies before field work on any historical property is undertaken.

State historical resources shall mean designated state historical sites, and any new buildings or other properties proposed for such designation.

That original section 81-815.22 and 81-815.31, Reissue Revised Statutes of Nebraska, 1943, are repealed."

ANNOUNCEMENT

Mr. Carsten announced an executive session of the Revenue Committee at 2:00 p.m. today in room 1019.

VISITORS

The Chair introduced 29 ninth grade students and 4 adults from Milford, Nebraska; 6 juniors from East High School, Lincoln, Nebraska; 10 state and local government students and teacher from Murdock, Nebraska; Dr. Dan McPherson and group of school administrators from Chadron State College; Mr. and Mrs. O. A. Nelson from Omaha, Nebraska.

ADJOURNMENT

At 11:49 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, February 24, 1976.

Vincent D. Brown
Clerk of the Legislature

THIRTY-FOURTH DAY—FEBRUARY 24, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 24, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Burbach presiding.

PRAYER

The prayer was offered by the Chaplain.

> Almighty Father, may the members of this assembly never be overly oppressed by some bill of theirs that may be defeated, or unduly optimistic because other legislation is going their way. Give them the ground of courage to take defeat and victory as part of their office and to have spiritual and mental resilience to overcome depression and be willing to launch forth into new and needed areas. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Koch, Kremer, and R. Lewis were were excused.

CORRECTIONS FOR THE JOURNAL

Page 750, line 8 "1021" should read "1023".
The Journal for the Thirty-third Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

February 20, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 442, 628, 678, and 704.

These bills were signed by me on February 20, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

ANNOUNCEMENT

Mr. Murphy announced the Banking, Commerce and Insurance Committee will meet in executive session at 2:00 p.m. today in room 2230.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 503, 519, and 998.

Correctly Enrolled

The following resolution was correctly enrolled: LR 106.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 106.

ANNOUNCEMENT

Mr. Syas announced the Constitutional Revision and Recreation Committee will meet in executive session today at 1:00 p.m. in room 2015.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 434. Placed on Select File as amended.
E & R amendments to LB 434:

1. On page 2, lines 4 and 5, strike "slaughter livestock packing company" and insert "slaughtering or packing establishment".

2. In new section 3, line 3, strike "successful judgment" and insert "a finding" and strike the comma; in line 4 insert "was" after "payment"; in line 5, strike "slaughter establishment or packing company" and insert "slaughtering or packing establishment"; in line 6 insert a comma after "retailer" and insert "to be" at the end of the line; in line 7 insert "judgment for" after "enter"; in line 8 insert "also" after "shall"; and in lines 9 and 10 strike "in addition to the judgment entered".

3. In new section 4, insert "shall" after "and" in line 2 and strike the same in line 3.

4. In the title, lines 5 and 6 strike "slaughter livestock meat packers" and insert "slaughtering or packing establishments"; and in line 6 insert "; to provide for judgments" immediately after "Nebraska".

LEGISLATIVE BILL 426. Placed on Select File as amended.
E & R amendment to LB 426:

1. On page 2, line 17, insert "for" after "provided".

LEGISLATIVE BILL 652. Placed on Select File as amended.
E & R amendments to LB 652:

1. On page 2, line 8, reinstate the stricken "the"; in line 12 strike "and" and insert "~~and~~"; and reinstate the first comma in line 14.

2. In the committee amendment, line 2, insert "his" after "or".

3. In the title, strike line 6 and "expenses as prescribed" in line 7 and insert "delete provisions for a per diem".

LEGISLATIVE BILL 721. Placed on Select File as amended.
E & R amendments to LB 721:

1. On page 2, line 8, strike "per" and insert "for each".

2. On page 5, line 8, strike "by completing" and insert "~~by completing~~ upon completion of".

3. On page 6, line 23, strike "per copy." and insert ". ~~per copy.~~".

4. In the title insert "to provide for retained brands and the use thereof;" at the end of line 11.

LEGISLATIVE BILL 682. Placed on Select File.
LEGISLATIVE BILL 683. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 827. Placed on General File as amended.
Standing Committee amendments to LB 827:

1. On page 2, line 6, after "be" strike "six" and insert "~~six~~ seven" and after "and" strike "sixty" and insert "twenty"; line 7 after "and" strike "forty" and insert "eighty"; line 12 strike "fifty" and insert "eighty"; line 14 strike "eleven" and insert "twelve".

2. On page 4, lines 5 and 12 after "and" strike "fifty" and insert "eighty"; line 8 after "dollars" insert "and sixty cents"; lines 14, 15 and 18, reinstate the stricken matter and strike the new matter.

3. On page 5, lines 2, 6, and 11, strike "nineteen" and insert "twenty"; lines 3, 6, and 11 after "and" strike "eighty" and insert "forty"; lines 12 and 13 strike "and twenty cents"; line 21 after "and" strike "twenty" and insert "forty".

4. On page 6, line 12, strike the new matter.

5. On page 7, line 12 strike "nineteen" and insert "twenty"; line 13, strike "eighty" and insert "forty"; lines 15, 21, and 25, strike "fifty" and insert "sixty"; line 17, strike "fifty" and insert "forty" line 27, strike "ninety-one" and insert "ninety-four".

6. On page 9, line 20 strike "nineteen" and insert "twenty" and after "and" strike "eighty" and insert "forty".

7. On page 10, line 18 strike "fifty" and insert "sixty".

8. On page 11, line 10 strike "eleven" and insert "twelve"; line 13, strike "fifty" and insert "eighty"; line 16, strike "fifty" and insert "sixty"; line 19 after "dollars" insert "and forty cents".

9. On page 12, line 5 strike "thirty" and insert "sixty"; lines 11 and 18, strike "fifty" and insert "eighty"

10. On page 12, after line 18, insert a new section as follows:

"Sec. 11. This act shall become operative on January 1, 1977.".

11. Renumber original section 11 as section 12.

(Signed) Irving F. Wiltse, Vice-Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 174.

A BILL FOR AN ACT to amend section 81-1219, Revised Statutes Supplement, 1974, relating to the Commission on Indian Affairs; to provide for an executive board as prescribed; to require quarterly meetings; to change provisions for special meetings; to provide for a quorum; to provide for termination of membership; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 1:

George

Not voting, 7:

Anderson	Cavanaugh	Kime	Koch	Kremer
R. Lewis	Marvel			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 817. Mr. Barnett moved to return LB 817 to Select File for the following specific amendment:

Strike the enacting clause.

MR. MAHONEY PRESIDING

The motion lost with 17 ayes, 22 nays and 10 not voting.

Mr. Cavanaugh moved to have the bill laid over until Thursday, February 26, 1976.

The motion prevailed with 26 ayes, 15 nays and 8 not voting.

SPEAKER BURBACH PRESIDING

MOTION—Place LB 992 on General File

Mr. Mahoney renewed his pending motion found in the Journal on page 707 for the Thirtieth Day to place LB 992 on General File notwithstanding the committee action.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays and 14 not voting.

The Mahoney motion lost with 11 ayes, 33 nays and 5 not voting.

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 836. Indefinitely postponed.

(Signed) Loran Schmit, Chairman

Urban Affairs

LEGISLATIVE BILL 775. Placed on General File.
LEGISLATIVE BILL 796. Placed on General File.
LEGISLATIVE BILL 999. Placed on General File.

(Signed) Steve Fowler, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 184
February 23, 1976

Dear Senator Luedtke:

You have asked whether or not L.B. 639 of the Eighty-Fourth Legislature, Second Session, is constitutional. The purpose of L.B. 639 is to confer upon the Department of Correctional Services powers that are presently granted to the Board of Parole by the Constitution.

Article IV, Section 13, Constitution of Nebraska, provides for the establishment of a parole board. While it is true that the Legislature is directed by Constitution to provide for the establishment of a Board of Parole it does not necessarily follow that the Legislature has the complete oversight of the Board of Parole. Prior to the 1968 Constitutional Amendment to Section 13 of Article IV, the power to grant paroles was in the Board of Pardons. The Legislature, in L.B. 561 (1967) presented to the voters a constitutional amendment. As the committee statement on L.B. 561 (1967) indicates the purpose of that bill was to submit a constitutional amendment to the voters in order to give the Legislature the right to set up a Board of Parole consisting of different members than it presently had. During committee testimony on that bill, Mr. Robert Kutak presented a substitute amendment to L.B. 561 and that amendment was subsequently adopted and the bill passed in that form. At those hearings Mr. Kutak testified that the amended version of L.B. 561 (1967) would simply permit the Legislature to change the composition of the parole board. Mr. Kutak said "thats all it would do." Mr. Kutak later pointed out that, "It would permit the powers of parole then to a professional parole board if it were setup."

The general import of the committee statement and the testimony is that the amendment to Article IV, Section 13 only gave the Legislature the authority to establish a Board of Parole. Article IV, Section 13 as amended does not give the Legislature the complete control and oversight of the Board of Parole. It is of course true that the Parole Board and the Department of Correctional Services must administer the law as passed by the Legislature, but the Legislature cannot circumvent the constitutional provisions granting to the Board of Parole the discretionary power to grant paroles after conviction and judgment.

You have asked whether or not furloughs and work and educational training programs fit within the definition of "parole". We believe that they do. You have pointed out that furloughs and work and educational training programs are not accompanied by a release from custody. We would point out that a parolee is also not released from custody. A parolee remains in the custody of the Parole Board. You stated in your letter that "The purpose of parole is to reintegrate, through supervision, an offender into the society from which he came." That is undoubtedly true but it is also undoubtedly true that a work release program or educational training program serves exactly the same purpose and is done in the same manner.

The power to grant paroles after conviction and judgment, regardless of whether it is called a furlough, work release, or educational training program is granted to the Board of Parole by Article IV, Section 13, Constitution of Nebraska. That constitutional provision clearly provides that the board, or a majority thereof, shall have the power to grant paroles. The language and phrasing of that constitutional provision amply demonstrates that the power to parole is a discretionary matter and lies with the Parole Board. This power cannot be delegated to the Department of Correctional Services without first involving the Board of Parole as is provided for in the present statute.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Paul W. Snyder
Special Assistant Attorney General

PWS:pjf
cc: Mr. Vincent D. Brown
Clerk of the Legislature

MOTION—Place LB 811 on General File

Mr. Burrows moved to place LB 811 on General File notwithstanding the committee action.

Motion pending.

EXPLANATION OF VOTE

Had I been present, I would have voted No on LR 106.

(Signed) F. Lewis

UNANIMOUS CONSENT—Members Excused

Mr. Skarda asked unanimous consent to be excused the remainder of the week. No objections. So ordered.

Mr. Simpson asked unanimous consent to be excused Friday, February 27, 1976. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 313. E & R amendments found in the Journal on page 741 for the Thirty-third Day were adopted.

Mr. Cavanaugh asked unanimous consent to integrate the amendments to LB 313 and print a white copy and bracket the bill on Select File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE RESOLUTION 115. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 684. Title read. Considered.

Standing Committee amendments found in the Journal on page 667 for the Twenty-eighth Day were considered.

MR. SAVAGE PRESIDING

Mr. F. Lewis renewed his pending amendment found in the Journal on page 737 for the Thirty-second Day to Standing Committee amendment No. 1.

Mr. F. Lewis requested a record vote.

Voting in the affirmative, 11:

Barnett
Fitzgerald
Fowler
F. Lewis
Mahoney
Nichol
Rumery
Savage
Simpson
Skarda
Syas

Voting in the negative, 27:

Bereuter
Burbach
Burrows
Carsten
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Hasebroock
Johnson
Kelly
Kennedy
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Rasmussen
Schmit
Stoney
Stull
Swigart
Warner
Wiltse

Not voting, 11:

Anderson
Cavanaugh
Chambers
George
Goodrich
Keyes
Kime
Koch
Kremer
R. Lewis
Luedtke

The amendment lost with 11 ayes, 27 nays and 11 not voting.

Mr. F. Lewis asked unanimous consent to withdraw his pending amendments found in the Journal on page 737 for the Thirty-second Day. No objections. So ordered.

Mr. Marvel offered the following amendment to the Standing Committee amendment:
In Committee Amendment, page 2 line 27, strike "13" and insert "12".

The amendment was adopted with 32 ayes, 0 nays and 17 not voting.

The Standing Committee amendments, as amended, were adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 743. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 798. Title read. Considered.

Standing Committee amendments found in the Journal on page 592 for the Twenty-fourth Day were adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 32 ayes, 1 nay and 16 not voting.

LEGISLATIVE BILL 977. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 454A. By Fitzgerald, 14th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 454, Eighty-fourth Legislature, Second Session, 1976.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 774. Placed on General File as amended.
Standing Committee amendments to LB 774:

1. On page 2, line 13 before "complaint" insert "formal written"; line 16 after "and" insert "impound such animal. Such impoundment may extend for up to five days, during which time a personal

notice shall be served upon the owner of such an animal, or the property owner upon whose property the animal was located when seized. Such notice shall advise the owner of the nature of the violation, the location of the impounded animal, and the time and place of any court proceeding authorized by this act. Court proceedings may be initiated by the city, to determine if the impounded animal is a danger to public health and safety. Upon such determination, the impounded animal may be destroyed at city expense. All expenses of such an impoundment and proceeding shall also be borne by the city bringing such an action." and strike "take whatever action may be required as"; strike line 17.

2. On page 3, line 8 after "and" insert "impound such animal. Such impoundment may extend for up to five days, during which time a personal notice shall be served upon the owner of such an animal, or the property owner upon whose property the animal was located when seized. Such notice shall advise the owner of the nature of the violation, the location of the impounded animal, and the time and place of any court proceeding authorized by this act. Court proceedings may be initiated by the city, to determine if the impounded animal is a danger to public health and safety. Upon such determination, the impounded animal may be destroyed at city expense. All expenses of such an impoundment and proceeding shall also be borne by the city bringing such an action." and strike "take whatever action may be required as"; strike line 9.

LEGISLATIVE BILL 825. Placed on General File as amended.
Standing Committee amendments to LB 825:

1. On page 2, line 12 after "except" insert "issues of" and after "bonds" insert "exceeding one million dollars".

2. On page 3, line 19, before "revenue" insert "issues of" and after "bonds" insert "exceeding one million dollars".

3. On page 10, line 10 after "include" insert ", but not be limited to,"; in line 11 after "a" insert "health care facility,"; in line 13 strike "or"; and in line 14 after the comma insert "or airport facility".

(Signed) Steve Fowler, Chairman

Revenue

LEGISLATIVE BILL 668. Placed on General File as amended.
Standing Committee amendments to LB 668:

1. Strike original sections 1 and 2 and insert the following:

"Section 1. That section 77-2715, Revised Statutes Supplement, 1975, be amended to read as follows:

77-2715. (1) A tax is hereby imposed for each taxable year on the entire income of every resident individual of this state and on the income of every nonresident individual of this state which is derived from sources within this state. The tax shall be a flat percentage of, for each resident individual, the taxpayer's adjusted federal income tax liability for the taxable year, and for each nonresident individual, the taxpayer's adjusted federal income tax liability for the taxable year which is attributable to income derived from sources within this state.

The taxpayer's adjusted federal income tax liability shall be the amount of federal income tax, as determined under Subtitle A, Chapter I, subchapter A, Parts I, V, and VI of the Internal Revenue Code, for which the taxpayer would have been liable if such taxpayer had paid federal income tax based on federal taxable income as adjusted by the modifications provided in section 77-2716 without any allowance for credits against such tax permitted under the Internal Revenue Code.

The adjusted federal income tax liability of each nonresident individual taxpayer which is attributable to income derived from sources within this state shall be determined by multiplying his adjusted federal income tax liability by a fraction, the numerator of which is his taxable income derived from sources within this state as determined by section 77-2733, and the denominator of which is his total federal taxable income, after first subtracting from each the amounts provided in subsection (1) of section 77-2716; Provided, that if the above determination attributes more or less federal income tax than is reasonably attributable to income derived from sources within this state, the taxpayer may petition for, or the Tax Commissioner may require, the employment of any other method to attribute an amount of federal income tax which is reasonable and equitable in the circumstances.

(2) (a) A resident of this state shall mean an individual who is domiciled in Nebraska or who maintains a permanent place of abode in this state and spends in the aggregate more than six months of the taxable year in this state; and

(b) A nonresident shall mean an individual who is not a resident of this state.

(3) (a) There shall also be allowed to resident individuals as a credit against the tax imposed by sections 77-2714 to 77-27,135, a food sales tax credit equal to sixteen dollars multiplied by the number of allowable personal exemptions claimed for individuals who are residents, exclusive of the extra exemptions allowable for age or blindness. A refund shall be allowed to the extent that the food sales tax credit exceeds the income tax payable by the resident individual for the taxable year but no refund shall be made in any amount less than two dollars.

(b) No individual who may be claimed as a personal exemption on another individual's return shall be entitled to a food sales tax credit or refund for himself. If a food sales tax credit or refund is claimed on more than one return for the same individual, the Tax Commissioner is authorized to determine the individual entitled to claim the credit or refund provided herein.

(c) Any individual, other than a person who for more than six months of the taxable year is a resident patient or inmate of a public institution or an organization exempt from tax as a charitable institution, who maintains a permanent place of abode within this state, spending in the aggregate more than six months of the taxable year within this state, shall be conclusively presumed to have paid or paid with respect to such personal exemptions retail sales and use taxes imposed by this state equal to the maximum food sales tax credit allowable.

(d) The credits or refunds for sales taxes allowed by this subsection shall be claimed on income tax returns or in the case of an individual not having tax liability in this state on such forms or claims for refunds as the Tax Commissioner shall prescribe.

(4) Credits to minors, including any child whose parent or guardian is a recipient of aid to dependent children, shall be claimed by the parent or guardian.

(5) (a) There shall be allowed to resident individuals, a credit against the tax imposed by sections 77-2714 to 77-27,135 in the amount of the tax imposed upon such resident individuals pursuant to section 77-2004, up to a maximum credit of two thousand three hundred dollars.

(b) To the extent that such credit exceeds the income tax payable, the resident individual shall be allowed a refund of the excess credit against the tax imposed by sections 77-2714 to 77-27,135 for the year in which such credit is claimed.

Sec. 2. That original section 77-2715, Revised Statutes Supplement, 1975, is repealed.".

2. In the title, strike lines 2 through 6 and insert the following:

"FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1975, relating to taxation; to provide a credit against state income tax in the amount of inheritance tax paid; and to repeal the original section.".

LEGISLATIVE BILL 996. Placed on General File.
LEGISLATIVE BILL 646. Indefinitely postponed.
LEGISLATIVE BILL 731. Indefinitely postponed.
LEGISLATIVE BILL 959. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

Labor

LEGISLATIVE BILL 828. Placed on General File as amended.
Standing Committee amendment to LB 828:

1. On page 2, line 2 strike "shall" and insert "may"; line 2, strike "home"; line 5, strike "shall" and insert "may"; line 12, strike "home"; and line 19, strike "home".

LEGISLATIVE BILL 840. Placed on General File as amended.
Standing Committee amendments to LB 840:

1. On page 2, line 9, after "Guard" insert ", members of a volunteer police reserve,".

2. On page 6, after line 23 insert a new section as follows:

"Sec. 2. That section 48-126.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-126.01. In determining the compensation to be paid any member of the military forces of this state, any member of a volunteer police reserve or any member of a volunteer fire department in any rural or suburban fire protection district, city or village, or any member of the state Civil Defense Agency, any local organization for civil defense or civil defense mobile support unit, or member of a volunteer ambulance unit, which military forces, volunteer police reserves, fire department, state Civil Defense Agency, local organization for civil defense or civil defense mobile support unit, or volunteer ambulance unit is regularly organized under the laws of the State of Nebraska, or any person fulfilling conditions of probation pursuant to any order of any court of this state who shall be working for a governmental body pursuant to any condition of probation, for injuries resulting in disability or death received in the performance of his duties as a member of such military forces, reserve force, department, agency, organization or unit, or pursuant to an order of any court, the wages of such a member or person shall be taken to be those received by him from his regular employer, and he shall receive such proportion thereof as he is entitled to under the provisions of section 48-121; Provided, if such member or person is not regularly employed by some other person, for the purpose of such determination, it shall be deemed and assumed that he is receiving income from his business or from other employment equivalent to wages in an amount one and one half times the maximum compensation rate for total disability. If the wages received for the performance of duties as a member of such military forces, reserve force, department, agency, organization or unit exceed the wages received from a regular employer, such member shall be entitled to a rate of compensation based upon wages received as a member of such military forces, department, agency, organization or unit."; line 24 after "original" insert "section 48-126.01, Reissue Revised Statutes of Nebraska, 1943, and"; line 25 strike "is" and insert "are".

3. Renumber original section 2 as section 3.

4. In the title line 2 after "amend" insert "section 48-126.01, Reissue Revised Statutes of Nebraska, 1943, and"; line 7, strike "section" and insert "sections".

LEGISLATIVE BILL 811. Indefinitely postponed.
LEGISLATIVE BILL 814. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

VISITORS

The President introduced Kirk Daniel Bereuter, son of Senator Douglas Bereuter; 27 sixth grade students and teacher from North Loup and Scotia; Mrs. Cheryl Davidson, Jamie and Cindy from Colorado; 30 ladies from Holy Family Church, Omaha; 6 ladies from Good Neighbors Extension Club, Kearney; 8 eleventh grade students from Lincoln East High School.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, February 25, 1976.

Vincent D. Brown
Clerk of the Legislature

THIRTY-FIFTH DAY—FEBRUARY 25, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 25, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Burbach presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, at the beginning of a new and busy day we close our eyes, not to shut out the world but to look beyond it to Thy boundless horizon, so we may be more relevant in the things we do and say. Give to this strategic body poise and a right sense of timing. There is that tide in life which, when taken, leads to victory. Guide these leaders of our State that they may discern the signs of the times and lead us in the paths of fullness and peace. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Koch, Cope, Kremer, Anderson, and Skarda who were excused; Mr. Duis who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-fourth Day was approved.

RULES COMMITTEE REPORT

A Report of Select Committee
Rules Committee

Mr. President,

The Rules Committee met Tuesday noon, February 24, 1976, and acted favorably on the following rule change:

Rule 5, section 1. Drafting of Bills. The bill drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the bill drafter. In order to shorten the length of sections, the bill drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The bill drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the bill drafter unless requested or authorized by a member of the Legislature.

Rule 3, section 18 (c) iii. When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard ~~emergency~~ clause or section and make the necessary change in the title, the chairman of Enrollment and Review shall also have the authority to add to the engrossed bill the standard ~~emergency~~ clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his reports and recommendations to the Legislature or making any special record thereof.

(Signed) John W. DeCamp, Chairman

Dated: February 24, 1976

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 174.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting of business, the Speaker signed the following bill: 174.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 669.

A BILL FOR AN ACT to amend sections 43-228, 43-229, 43-233.01, and 43-236.01, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile courts; to provide that juvenile courts shall be established in counties having a population of thirty thousand or more inhabitants; to provide for associate judges rather than referees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Barnett Burbach Burrows Carsten Cavanaugh
Chambers Clark DeCamp Dickinson Dworak
Fowler George Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kime F. Lewis
Luedtke Mahoney Maresh Marsh Mills
Moylan Murphy Nichol Rumery Savage
Schmit Simpson Stoney Stull Swigart
Syas Warner Wiltse

Voting in the negative, 2:

Bereuter Rasmussen

Not voting, 9:

Anderson Cope Duis Fitzgerald Koch
Kremer R. Lewis Marvel Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 710. Mr. Luedtke asked unanimous consent to hold LB 710 until Monday, March 1, 1976. No objections. So ordered.

LEGISLATIVE BILL 724.

A BILL FOR AN ACT to amend section 39-2103, 39-2115, 39-2117, 39-2118, 39-2119, 39-2121, 39-2502, 39-2512, and 39-2519, Reissue Revised Statutes of Nebraska, 1943, relating to highways and bridges; to provide six classifications for rural highways; to provide that the State Treasurer may suspend the distribution of revenue as prescribed; to change provisions relating to the six-year plan; to provide that reports be submitted to the Board of Public Roads Classifications and Standards; and to repeal the original sections, and also sections 39-848, 39-849, 39-850, 39-851, 39-852, 39-854, 39-1310, and 39-1312, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 6:

Anderson
Cope
Duis
Koch
Kremer
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 332. Placed on General File as amended.
Standing Committee amendments to LB 332:

1. Strike original sections 1 to 36 and insert the following:

"Section 1. (1) The Cooperative Extension Service of the University of Nebraska, through its county extension agents and specialists in the State of Nebraska, shall, in order to certify private and commercial applicators for the use of restricted use pesticides, conduct training sessions on the use of restricted use pesticides. The programs shall be directed toward thorough comprehension and knowledge on the safe use of restricted use pesticides. It shall be the responsibility of the cooperative extension service to schedule regular and frequent training sessions and to issue recommendations of satisfactory training for each private and commercial applicator completing the training to the Director of Agriculture, who shall issue a certificate acknowledging the satisfactory completion of training. Each private and commercial applicator's certificate shall expire four years after the date of issuance.

(2) The provisions of subsection (1) of this section shall not require any private applicator to take any examination to establish competency in the use of a pesticide.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Loran Schmit, Chairman

MOTION—Place LB 811 on General File

Mr. Burrows renewed his pending motion found in the Journal on page 766 for the Thirty-fourth Day to place LB 811 on General File notwithstanding the committee action.

Mr. Chambers moved for a Call of the House. The motion prevailed with 24 ayes, 5 nays and 20 not voting.

Mr. Chambers requested a roll call vote.

Mr. Barnett asked unanimous consent to start at the end of the alphabet on the roll call. No objections. So ordered.

Voting in the affirmative, 28:

Barnett
Bereuter
Burrows
Carsten
Cavanaugh
Chambers
DeCamp
Fitzgerald
Fowler
George
Goodrich
Keyes
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Rasmussen
Rumery
Savage
Schmit
Simpson
Stoney
Swigart
Syas

Voting in the negative, 15:

Burbach
Clark
Dickinson
Dworak
Hasebroock
Johnson
Kelly
Kennedy
Kime
R. Lewis
Murphy
Nichol
Stull
Warner
Wiltse

Not voting, 6:

Anderson	Cope	Duis	Koch	Kremer
Skarda				

The motion lost with 28 ayes, 15 nays and 6 not voting.

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 901. Placed on General File.

(Signed) Wally Barnett, Vice-Chairman

Judiciary

LEGISLATIVE RESOLUTION 44. Indefinitely postponed.

Committee Statement
LR 44

INTENT: LR 44 would retrocede, or return, to the United States Government both civil and criminal jurisdiction over the areas of Indian country on the Winnebago reservation. This resolution was introduced by Senator Walter George at the request of the Winnebago Indian Tribe. Senator George took no position on the resolution. LR 44 is a companion resolution to LR 50, which was proposed to study the question of retrocession.

PROPONENTS: The primary proponents of LR 44 were officials and representatives of the Winnebago Tribe and Tribal Council of Nebraska. The proponents urged passage primarily for two reasons - alleged abuses to Indians by local law enforcement and the belief that the Indian should be allowed to practice self-determination in matters which affect him. Among those who testified in support of the resolution were: Mr. Sam Tebo, former Tribal Chairman of the Winnebago Tribe; Mr. Louis La Rose, Tribal Chairman; Mr. Art May, Director of Nebraska Inter-Tribal Development Corporation; Mr. Jim Peterson, Directing Attorney of Intertribal Legal Services.

OPPONENTS: Testimony given by opponents to the resolution was primarily related to the jurisdictional questions which they believed would develop if retrocession were granted. Opponents denied that abuses existed and believed that if retrocession were granted the lines of jurisdictional authority would be severely clouded. There was also testimony to the effect that the federal government could not guarantee adequate support on a permanent basis for supporting the transfer of jurisdiction. Among those who testified against the resolution were: Mr. Mark Fuhrman, Thurston

County attorney; Mr. Clyde Storie, Sheriff of Thurston County; Mr. Ed Tyndall, Deputy Sheriff of Thurston County; Mr. Larry McQuistan, Thurston County Supervisor.

COMMITTEE ACTION: It was moved and seconded to indefinitely postpone LR 44. Voting to indefinitely postpone the Resolution were Senators Barnett, DeCamp, Nichol, Syas and Luedtke. Senators Anderson and Chambers were opposed and Senator Schmit was absent.

(Signed) Roland A. Luedtke, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 122.

Introduced by Schmit, 23rd District; DeCamp, 40th District; Dickinson, 31st District; Rumery, 42nd District; Maresh, 32nd District; Kime, 43rd District; Burrows, 30th District.

WHEREAS, the Agriculture and Environment Committee of the Nebraska Legislature has for the past three years intensely studied the question of the needs of Nebraska agriculture relative to veterinarians; and

WHEREAS, the Agriculture and Environment Committee has at this time compiled information, data and recommendations and programs some of which if implemented, may resolve short term or long term veterinary problems that Nebraska has or might experience in the foreseeable future; and

WHEREAS, in recent months reports in the newspapers and news media indicate that the Governor of the State of Nebraska and an organization identified as the Old West Regional Commission have information or recommendations about the needs of Nebraska relative to a veterinary college; and

WHEREAS, as of the thirtieth of January, 1976, neither the Governor nor the Old West Regional Commission have provided the Agriculture and Environment Committee any information as to the recommendations, desires or beliefs relating to what Nebraska should do in the matter of developing a veterinary college; and

WHEREAS, the Nebraska Legislature's Agriculture and Environment Committee is ready, willing and able to propose and implement whatever measures are necessary to provide an adequate supply of veterinarians to Nebraska for the foreseeable future; and

WHEREAS, the Nebraska Legislature's Agriculture and Environment Committee wishes to afford the Governor, the Old West Regional Commission and the University of Nebraska, or any representative of those three parties, the opportunity to present any and all information or recommendations or program plans they may have relative to Nebraska veterinary needs.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Governor, the Old West Regional Commission and the University of Nebraska be specifically requested by this Legislature to provide to the Agriculture and Environment Committee any information or recommendations they may have relative to the establishment of a veterinary college or any alternative proposals to resolve a potential veterinary shortage problem.
2. That the Governor be specifically requested to provide to the Agriculture and Environment Committee or to the Legislature any legislative proposals he has this year for establishment of any veterinary college or other veterinary programs.
3. That the Governor be requested to provide to the Legislature any requests or recommendations he has on financing such programs which shall specifically include the cost requirements and the amounts of money requested by the Governor for such programs.

Laid over.

UNANIMOUS CONSENT—Member Excused

Mrs. Marsh asked unanimous consent to be excused Friday, February 27, 1976. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 434. E & R amendments found in the Journal on page 760 for the Thirty-fourth Day were adopted.

Mr. Goodrich offered the following amendment:

Amend Sec 2 and 3 of the Committee amendment to strike "72 hours" and insert "21 days".

Mr. Schmit asked unanimous consent to bracket LB 434.

Mr. Mahoney objected.

Mr. Schmit moved to bracket the bill until March 19, 1976.

The motion prevailed with 26 ayes, 5 nays and 18 not voting.

LEGISLATIVE BILL 426. E & R amendment found in the Journal on page 761 for the Thirty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 652. E & R amendments found in the Journal on page 761 for the Thirty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 721. E & R amendments found in the Journal on page 761 for the Thirty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 682. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 683. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 464 in the Journal. No objections. So ordered.

AMENDMENT TO LB 464, AS AMENDED

1. Strike original sections 1 to 11 of LB 464, strike all amendments to LB 464, and in lieu thereof insert the following:

"Section 1. That section 28-964.03, Revised Statutes Supplement, 1974, be amended to read as follows:

28-964.03. Any bona fide nonprofit organization whose primary activities are conducted for charitable and community betterment purposes may conduct lotteries, raffles, and gift enterprises when the gross proceeds of such activities are used solely for charitable or community betterment purposes and the awarding of prizes to participants.

Sec. 2. That section 28-964.04, Revised Statutes Supplement, 1974, be amended to read as follows:

28-964.04. Any county, city, or village is hereby authorized to establish and conduct lotteries when the gross proceeds of such lotteries are used solely for charitable or community betterment purposes and the awarding of prizes to participants; Provided, that no county, city, or village shall establish and conduct such a lottery until such course of action has been approved by a majority of the registered voters of such county, city, or village casting ballots on the issue at a regular election or a special election called for the purpose of considering such action.

Sec. 3. That original sections 28-964.03 and 28-964.04, Revised Statutes Supplement, 1974, are repealed.".

Mr. Chambers asked unanimous consent to print a newspaper article in the Journal.

Mr. DeCamp objected.

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE BILL 861. Placed on General File as amended.
Standing Commitee amendment to LB 861:

1. On page 9, line 13 strike "one hundred" and insert "fifty".

LEGISLATIVE BILL 937. Placed on General File.

(Signed) George Syas, Chairman

Urban Affairs

LEGISLATIVE BILL 161. Placed on General File as amended.
Standing Committee amendments to LB 161:

1. On page 2, line 1 strike "No" and insert "Any", and after "fireman" strike "shall" and insert "may"; line 2, after "council" insert a period and strike the rest of the line; strike line 3.
2. On page 2, insert a new section as follows:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 459. Indefinitely postponed.
LEGISLATIVE BILL 957. Indefinitely postponed.

(Signed) Steve Fowler, Chairman

GENERAL FILE

LEGISLATIVE BILL 1004. Title read. Considered.

Mr. Bereuter renewed his pending amendment found in the Journal on page 757 for the Thirty-third Day.

MR. SAVAGE PRESIDING

Mr. Bereuter asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Marvel offered the following amendment:
Add a new section 38 and renumber original section 38 as section 39.

"Sec. 38 This act shall become operative on July 1, 1976."

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Burrows offered the following amendment:

On page 3, Lines 24 and 25, strike "975,000" and insert "$1,200,000."

The amendment lost with 11 ayes, 16 nays and 22 not voting.

Mr. Rumery offered the following amendment:

To insert a new section to read: The appropriation provided by LB 215, (1975) as amended by LB 6, 1st Special Session, is hereby re-affirmed

Amendment pending. Laid over.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 847. Placed on General File as amended.
Standing Committee amendments to LB 847:

1. Strike original sections 1 and 2 and insert:

"Section 1. The Department of Aeronautics, out of funds appropriated for that purpose, may contract with the Nebraska Wing of the Civil Air Patrol, the civilian auxiliary of the United States Air Force, for the following Purposes:

(1) To encourage and aid American citizens in the contribution of their efforts, services, and resources in the development of aviation and the maintenance of aerospace supremacy;

(2) To encourage and develop, by example, of the voluntary contribution of private citizens to the public welfare;

(3) To provide aviation and aerospace education and training;

(4) To foster and encourage civil aviation in local communities throughout the state; and

(5) To assist in meeting emergencies within the state.

Sec. 2. That sections 81-829.67 and 81-829.68, Revised Statutes Supplement, 1974, are repealed.".

LEGISLATIVE BILL 867. Placed on General File as amended.
Standing Committee amendment to LB 867:

1. On page 3, lines 17 and 18 strike "annually for three years commencing in 1976".

LEGISLATIVE BILL 985. Placed on General File.
LEGISLATIVE BILL 597. Indefinitely postponed.

(Signed) Richard D. Marvel, Chairman

ANNOUNCEMENTS

Mr. Syas announced the Constitutional Revision and Recreation Committee will meet in executive session at 1:00 p.m. today in room 2015.

Mr. Savage announced the Committee on Committees will meet today in executive session in room 2102.

VISITORS

Mr. Savage introduced former Senator Fred Carstens from Beatrice; Kevin and Jody Mills, son and daughter of Senator Jack Mills; 32 students from the Goodrich Scholarship Program, University of Nebraska, Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, February 26, 1976.

Vincent D. Brown
Clerk of the Legislature

THIRTY-SIXTH DAY—FEBRUARY 26, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 26, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, our Father, we know that our laws can be no better than those who make the laws and administer the laws, and the people who follow the laws.
>
> As this legislature initiates laws, give them the courage to look at themselves. Our pride, our passions, and our self-interests are very real, and often dominate the center of life from which our thinking stems and our decisions follow.
>
> We pray that Thou wouldst allow other qualities, which may be buried, to rise again in our lives - decency, consideration, unselfishness, and hard thinking with a warm heart.
>
> In our Lord's name. Amen.

ROLL CALL

The roll was call and all members were present except Messrs. Anderson, Cope, Skarda and Kremer who were excused; and Mr. Dworak who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-fifth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Marvel asked unanimous consent to be excused this afternoon. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 26, 1976, at 8:45 a.m., was the following bill: 174.

(Signed) Janet Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 426, 652, 682, 683, and 721.

Correctly Enrolled

The following bills were correctly enrolled: 669 and 724.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 669 and 724.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 115. Placed on Select File as amended.
E & R amendment to LR 115:

1. In the fifth WHEREAS, line 3, strike "sums are" and insert "sum is".

LEGISLATIVE BILL 684. Placed on Select File as amended.
E & R amendments to LB 684:

1. In committee amendments, page 1, lines 19 and 20, strike "this appropriation" and insert "the appropriation made in section 5 of this act".
2. In committee amendments, page 2, line 9, insert "(a)" before "For"; insert a comma after "warrants" in line 10 and "liability" in line 13; in line 11 insert "(b)" after "and"; and in line 18, strike "State Auditor" and insert "Auditor of Public Accounts".
3. In the title, line 5, insert "to make an appropriation for refund of taxes unlawfully collected;" after the semicolon.

LEGISLATIVE BILL 743. Placed on Select File as amended.
E & R amendments to LB 743:

1. On page 2, line 3, insert a comma after "appropriated".
2. In the title, line 2, strike "provide" and insert "appropriate funds".

LEGISLATIVE BILL 798. Placed on Select File.
LEGISLATIVE BILL 977. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 65. With emergency.

A BILL FOR AN ACT to amend sections 71-3806, 71-3818, and 71-3820, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of psychology; to provide additional powers to the board; to provide additional grounds for suspension or revocation; to increase fees as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Barnett	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	Dickinson	Duis	Fitzgerald
Fowler	George	Hasebroock	Kelly	Kennedy
Keyes	Kime	Koch	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Simpson	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Anderson	Cavanaugh	Cope	DeCamp	Dworak
Goodrich	Johnson	Kremer	Savage	Schmit
Skarda				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 666. Mr. Chambers moved to return LB 666 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 13 nays and 9 not voting.

The Chambers motion lost with 9 ayes, 29 nays and 11 not voting.

LEGISLATIVE BILL 666.

A BILL FOR AN ACT for submission to the electors of amendments to Article VII, section 11, of the Constitution of Nebraska, relating to education; to permit contracting for nonsectarian services for handicapped children; to permit aid for nonsectarian purposes for postsecondary students; to prohibit the use of public funds for sectarian purposes; to provide for the time and manner of submission and form of ballots; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the primary election in May, 1976, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 11, of the Constitution of Nebraska, and the further amendment of Article VII by the addition of new section 11A thereto, which are hereby proposed by the Legislature:

"Sec. 11. Notwithstanding any other provision in the Constitution, appropriation of public funds shall not be made to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof; Provided, that the Legislature may provide that the state or any political subdivision thereof may contract with institutions not wholly owned or controlled by the state or any political subdivision to provide for educational or other services for the benefit of children under the age of twenty-one years who are handicapped, as that term is from time to time defined by the Legislature, if such services are nonsectarian in nature.

All public schools shall be free of sectarian instruction.

A religious test or qualification shall not be required of any teacher or student for admission or continuance in any school or institution supported in whole or in part by public funds or taxation.

Sec. 11A. Notwithstanding any other provision in the Constitution, the Legislature may provide financial aid in the form of loans or grants to students attending postsecondary educational institutions not wholly owned or controlled by the state or a political subdivision thereof if such aid is expressly limited to nonsectarian purposes. The Legislature may provide that the state may receive money from the federal government and distribute it in accordance with the terms of any such federal grants, but any public funds of the state, any political subdivision, or any public corporation added thereto shall not be used for sectarian purposes."

Sec. 2. The proposed amendments shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendments shall be placed upon the ballots in the following form:

> "Constitutional amendment to permit contracting with institutions not wholly owned or controlled by the state or any political subdivision for nonsectarian services for handicapped children.
> For
> Against
>
> Constitutional amendment to permit financial aid for nonsectarian purposes to students attending postsecondary educational institutions not wholly owned or controlled by the state or a political subdivision thereof; and to prohibit the expenditure of public funds, added to funds received from the federal government, for sectarian purposes.
> For
> Against"

Sec. 3. That the proposed amendments, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim them as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Burbach
Burrows
Carsten
Cavanaugh
Clark
DeCamp
Duis
Fitzgerald
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Koch
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Rasmussen
Rumery
Savage
Schmit
Simpson
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 8:

Bereuter
Chambers
Dickinson
Dworak
Fowler
R. Lewis
Mills
Nichol

Not voting, 7:

Anderson Barnett Cope Kime Kremer
Murphy Skarda

Having failed to receive a constitutional four-fifths majority voting in the affirmative with the primary election clause attached, the question is "Shall the bill pass with the general election clause inserted?"

Voting in the affirmative, 35:

Barnett Burbach Burrows Carsten Cavanaugh
Clark DeCamp Duis Fitzgerald George
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Koch F. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Rasmussen
Rumery Savage Schmit Simpson Stoney
Stull Swigart Syas Warner Wiltse

Voting in the negative, 8:

Bereuter Chambers Dickinson Dworak Fowler
R. Lewis Mills Nichol

Not voting, 6:

Anderson Cope Kime Kremer Murphy
Skarda

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed with the general election clause and the title agreed to.

LEGISLATIVE BILL 817.

A BILL FOR AN ACT for submission to the electors of an amendment to Article V, sections 2 and 5, of the Constitution of Nebraska, relating to the Supreme Court; to provide for nine members on the Supreme Court; to provide for the selection of Supreme Court judges from Supreme Court districts as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the primary election in May, 1976, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article V, sections 2 and 5, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 2. The Supreme Court shall consist of seven judges, one of whom shall be the Chief Justice; Provided, that the Legislature may, by general law, increase the Supreme Court to nine members. A majority of the judges shall be necessary to constitute a quorum. A majority of the members sitting shall have authority to pronounce a decision except in cases involving the constitutionality of an act of the Legislature. No legislative act shall be held unconstitutional except by the concurrence of five judges. The Supreme Court shall have jurisdiction in all cases relating to the revenue, civil cases in which the state is a party, mandamus, quo warranto, habeas corpus, election contests involving state officers other than members of the Legislature, and such appellate jurisdiction as may be provided by law. The Legislature may provide that any Judge of the Supreme Court who has retired may be called upon for temporary duty by the Supreme Court. Whenever necessary for the prompt submission and determination of causes, the Supreme Court may appoint judges of the district court to act as associate judges of the Supreme Court, sufficient in number, with the judges of the Supreme Court, to constitute two divisions of the court of five judges in each division. Whenever judges of the district court are so acting the court shall sit in two divisions, and four of the judges thereof shall be necessary to constitute a quorum. Judges of the district court so appointed shall serve during the pleasure of the court, and shall have all the powers of judges of the Supreme Court. The Chief Justice shall make assignments of judges to the divisions of the court, and shall preside over the division of which he is a member, and designate the presiding judge of the other division. The judges of the Supreme Court, sitting without division, shall hear and determine all cases involving the constitutionality of a statute, and all appeals from conviction of homicide; and may review any decision rendered by a division of the court. In the event of the disability or disqualification by interest or otherwise, of any of the judges of the Supreme Court, the court may appoint judges of the district court to sit temporarily as judges of the Supreme Court, sufficient to constitute a full court. Judges of the district court shall receive no additional salary by virtue of their appointment and service as herein provided; but they shall be reimbursed their necessary traveling and hotel expenses.

Sec. 5. The Legislature shall divide the state into contiguous and compact districts of approximately equal population, which shall be known as the Supreme Court judicial districts. One Judge of the Supreme Court shall be selected from each district and the Chief Justice shall be selected at large from across the state. The Legislature shall redistrict the state after each federal decennial census. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. Whenever the Supreme Court is redistricted, the judges serving prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established districts which they shall represent for the balance of their terms."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to authorize an increase in the number of Supreme Court judges and provide for their selection from Supreme Court districts.
> For
> Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative 27:

Burbach Carsten Cavanaugh Chambers DeCamp
Duis Dworak Fitzgerald Fowler Goodrich
Hasebroock Johnson Kelly Keyes Koch
F. Lewis Luedtke Mahoney Marsh Moylan
Rumery Savage Schmit Stoney Swigart
Syas Wiltse

Voting in the negative, 16:

Barnett Bereuter Clark Dickinson George
Kennedy Kime R. Lewis Maresh Marvel
Mills Murphy Nichol Rasmussen Stull
Warner

Not voting, 6:

Anderson Burrows Cope Kremer Simpson
Skarda

Having failed to receive a constitutional four-fifths majority voting in the affirmative with the primary election clause attached, the question is "Shall the bill pass with the general election clause inserted?"

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 27:

Burbach Burrows Carsten Chambers DeCamp
Duis Dworak Fitzgerald Fowler Goodrich
Hasebroock Johnson Keyes Koch F. Lewis
Luedtke Mahoney Marsh Moylan Rumery
Savage Schmit Simpson Stoney Swigart
Syas Wiltse

Voting in the negative, 18:

Barnett Bereuter Cavanaugh Clark Dickinson
George Kelly Kennedy Kime R. Lewis
Maresh Marvel Mills Murphy Nichol
Rasmussen Stull Warner

Not voting, 4:

Anderson Cope Kremer Skarda

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass for the general election.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 703. Placed on General File as amended.
Standing Committee amendments to LB 703:

1. On page 3, line 7 after "physicians" insert ", anesthesia administered by registered nurses acting as anesthetists,".

2. On page 4, line 13 strike "within the State of Nebraska" and in line 18 strike "within this state".

3. On page 5, lines 21 and 22 strike "within the State of Nebraska" and in line 26 strike "in this state".

4. On page 6, line 17 strike "economic loss" and insert "damages"; in line 21 strike the second "and" and insert ", any dependent, or"; and in line 25 strike "economic loss" and insert "item of damage".

5. On page 7 strike beginning with "Any" in line 3 through "involved" in line 5 and insert "Evidence shall also be admissible as to the amount of any premiums, payments, or contributions paid by or for claimant, claimant's decedent, or any employer"; in line 7 strike "restricted to the actual economic losses" and insert "those"; strike beginning with "Pain" in line 10 through the period in line 12; in line 14 strike "and" and insert ", any dependent, or"; strike beginning with "shall" in line 14 through "and" in line 15; strike beginning with "No" in line 16 through the period

in line 19; strike lines 20 through 23; in line 25 strike "common law"; in lines 26 and 27 strike "whether based on professional negligence or otherwise" and insert "against any health care provider that fails to qualify under this act".

6. On page 9, line 21 after "patient" insert "after actual notice by the health care provider of the terms of this act"; in line 23 after "elected" insert "in writing"; strike beginning with the comma in line 24 through "(c)" in line 27 and insert "and (b)".

7. On page 10, lines 16 and 17 strike "and filed with the director".

8. On page 11, line 18 after "physicians" insert "or nurse anesthetists".

9. On page 12 strike lines 4 through 10 and lines 18 through 23; in line 11 strike "(2)" and insert "(1)"; and in line 24 strike "(4)" and insert "(2)".

10. On page 13 insert a new section as follows:

"Sec. 26. In any action for damages for personal injury or death alleging medical malpractice against any health care provider under the laws of this state, whether taken through the court system or by binding arbitration, the total general damages which may be awarded shall not exceed the sum of five hundred thousand dollars. No limitation is placed on the amount of special damages which may be awarded.".

11. On page 14, line 14 after "physicians" insert "or nurse anesthetists"; in line 24 after "neglect," insert "or within one year from the time the incident is discovered or should have been discovered with the exercise of due diligence, except that in no event shall the action be commenced more than eight years from the date of the alleged act, omission, or neglect giving rise to the cause of action,"; and in line 27 strike "eighth" and insert "sixteenth".

12. On page 15 strike beginning with "or" in line 3 through "based" in line 4.

13. On page 28, line 4 after "attorney" insert "admitted to practice law in the State of Nebraska"; in line 4 strike "three" and insert "two"; in lines 6 and 7 strike "in an advisory capacity and"; in lines 7 and 8 strike ", but shall have no vote"; strike beginning with "The" in line 17 through the period in line 18; in line 19 strike "the only" and insert "one of the" and strike "provider" and insert "providers"; in line 20 strike "the third" and insert "a fourth", and strike "may be, but need not be," and insert "shall be selected who shall be"; in line 21 after "administrator" insert "selected by the hospital"; and in line 23 after "physician" insert "or hospital administrator".

14. On page 33, line 25 strike "twenty-five" and insert "thirty".

15. On pages 34 and 35 strike original sections 46 and 47.

16. On page 40, line 19 after the period insert "The commission shall notify the person making the complaint as to the disposition of the complaint as soon as the commission has determined what actions will be taken pursuant to such complaint.".

17. Renumber original sections 26 to 45 as sections 27 to 46 respectively and original sections 48 to 57 as sections 47 to 56 respectively.

(Signed) Thomas C. Kennedy, Chairman

MOTION–Reconsider Action on LB 339

Mr. DeCamp moved to reconsider action on LB 339 on final passage.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 24 ayes, 16 nays and 9 not voting.

The Call showed 45 members present.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 26:

Barnett
Bereuter
Burbach
Burrows
Cavanaugh
Chambers
Clark
DeCamp
Dworak
Fitzgerald
Fowler
Kelly
Kennedy
Kime
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Mills
Murphy
Nichol
Rasmussen
Schmit
Simpson
Warner

Voting in the negative, 19:

Carsten
Dickinson
Duis
George
Goodrich
Hasebroock
Johnson
Keyes
Koch
F. Lewis
Mahoney
Moylan
Rumery
Savage
Stoney
Stull
Swigart
Syas
Wiltse

Not voting, 4:

Anderson
Cope
Kremer
Skarda

The motion prevailed with 26 ayes, 19 nays and 4 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed.

MOTION–Reconsider Action on LB 432

Mr. DeCamp renewed his pending motion found in the Journal on page 737 for the Thirty-second Day to reconsider action on LB 432 on Final Reading.

The motion lost with 17 ayes, 6 nays and 26 not voting.

MOTION—Place LB 835 on General File

Mr. Bereuter renewed his pending motion found in the Journal on page 756 for the Thirty-third Day to place LB 835 on General File notwithstanding the committee action.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays and 21 not voting.

Mr. Bereuter moved for a Call of the House. The motion prevailed with 22 ayes, 11 nays and 16 not voting.

The Call showed 45 members present.

Mr. Bereuter requested a roll call vote.

Voting in the affirmative, 26:

Barnett
Bereuter
Burrows
Carsten
Cavanaugh
Chambers
DeCamp
Dickinson
Fowler
George
Johnson
Kime
Koch
F. Lewis
Luedtke
Maresh
Marsh
Marvel
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Stull
Warner

Voting in the negative, 19:

Burbach
Clark
Duis
Dworak
Fitzgerald
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
R. Lewis
Mahoney
Mills
Moylan
Murphy
Stoney
Swigart
Syas
Wiltse

Not voting, 4:

Anderson
Cope
Kremer
Skarda

The motion lost with 26 ayes, 19 nays and 4 not voting.

Mr. Mills moved the Call be raised. The motion prevailed.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 782. Placed on General File as amended.
Standing Committee amendments to LB 782:

1. On page 2, line 4 after "of" strike "the sheriff or mayor" and insert "such governing body", and after "The" strike "sheriff or mayor" and insert "governing body"; line 16, strike "be activated for service" and insert "serve as a peace officer"; line 17 after "police" insert "," and strike "to serve"; strike line 18; line 20 after "a" insert "minimum".

2. On page 3, line 11 after "Sec. 6." insert "(1)"; after line 15, insert the following:

"(2) No person appointed to the reserve force may carry a weapon or otherwise act as a peace officer until he has been approved by the governing body. After approval, he may carry a weapon only when authorized by the sheriff or chief of police, and when discharging official duties as a duly constituted peace officer."; line 23, after "enforcement" insert "officers, known as reserve force members," and strike "reserve officers"; line 23 strike "1974" and insert "1972".

3. On page 4, line 1 after "Sec. 9." insert "(1)"; after line 3 insert the following:

"(2) Reserve officers shall act only in a supplementary capacity to the regular force and shall, in no case, assume the full-time duties of peace officers without first complying with all requirements for such regular peace officers.".

4. On page 4, after line 3 insert the following new sections:

"Sec. 10. Sections 1 to 10 of this act shall constitute the only procedure for the appointment of reserve peace officers. Any power granted by other provisions of law to governing bodies or public officials for the appointment of special deputies, special officers, or special police is of no effect and is hereby repealed.

Sec. 11. That section 14-219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-219. The mayor shall be the chief executive officer and conservator of the peace throughout the city. ~~and shall have power to appoint any number of special policemen which he may deem necessary to preserve the peace of the city, and to dismiss the same at his pleasure.~~ He shall have such jurisdiction as may be vested in him by ordinance over all places within three miles of the corporate limits of the city, for the enforcement of any health and quarantine ordinance or the regulations thereof.

Sec. 12. That section 15-314, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-314. The mayor and chief of police shall each have power to call upon any citizen to aid in the enforcement of any ordinance or suppression of any riot, and any person who shall refuse or neglect to obey such call shall forfeit and pay a fine not exceeding one hundred dollars. Such power shall not be construed to include the appointment of special police or special deputies.

Sec. 13. That section 16-308, Revised Statutes Supplement, 1975, be amended to read as follows:

16-308. Each city of the first class shall have such departments and appointed officers as shall be established by ordinance passed by the city council, which shall include a city clerk, treasurer, engineer and attorney, and such officers as may otherwise be required by law. Except as provided in Chapter 19, article 6, the mayor may, with the approval of the city council, appoint the necessary officers, as well as an administrator, who shall perform such duties as prescribed by ordinance. Except as provided in Chapter 19, article 6, the appointed officers may be removed at any time by the mayor with approval of a majority of the council. The office of administrator may not be held by the mayor. The appointed administrator may concurrently hold any other appointive office provided for in this section and section 16-325. ~~In case of an emergency, the mayor may appoint such special police as shall be required, and he is hereby authorized to call on any male inhabitants of the city, between the ages of eighteen and fifty, to aid in enforcing the law of said city.~~

Sec. 14. That section 17-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-107. A mayor shall be elected in the manner provided in Chapter 32, or as provided in this act. Any vacancy in the office of mayor shall be filled as provided in section 17-115. When the successful candidate for mayor shall be prevented from assuming office, because of disqualification, or otherwise, the incumbent mayor shall not be entitled to hold over the term, but such office shall automatically become vacant and an appointment shall be made to fill such vacancy in the manner provided in section 17-115. If the president of the council shall for any cause assume the office of mayor for the unexpired term, there shall be a vacancy on the council which vacancy shall be filled as provided in section 32-4,152. The mayor, with the consent of the council, may appoint such officers as shall be required by ordinance or otherwise required by law. Such officers may be removed from office by the mayor. The mayor, by and with the consent of the council, shall appoint such a number of regular policemen as may be necessary.~~,~~ ~~and may also appoint special policemen from time to time as exigencies arise.~~ All police officers appointed by the mayor and council shall be removable at any time by the mayor.".

5. Renumber original sections 10 to 12 as sections 15 to 17, respectively.

6. On page 10, line 2 strike "section" and insert "sections 14-219, 15-314, 17-107, and"; line 3 strike "section" and insert "sections 16-308 and"; line 4 after "1975," insert "and also section 84-806.01, Reissue Revised Statutes of Nebraska, 1943".

(Signed) Roland A. Luedtke, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 797. Placed on General File as amended.
Standing Committee amendments to LB 797:

1. On page 2 strike lines 24 through 27.
2. On page 3 strike the new matter in lines 1

and 2 and insert "of six hundred seventy-five dollars per month."; and strike lines 16 through 18 and insert " "Constitutional amendment to increase the salary of each member of the Legislature.".

LEGISLATIVE BILL 770. Indefinitely postponed.

(Signed) George Syas, Chairman

Appropriations

LEGISLATIVE BILL 753. Indefinitely postponed.
LEGISLATIVE BILL 815. Indefinitely postponed.

(Signed) Richard D. Marvel, Chairman

UNANIMOUS CONSENT–Hold LB 724

Mr. Duis asked unanimous consent to hold LB 724 in the possession of the Legislature until March 1, 1976. No objections. So ordered.

MOTION–Reconsider Action on LB 817

Mr. Cavanaugh moved to reconsider action on final reading on LB 817.

Motion pending.

MOTION—Take LB 728 from Committee

Mr. Chambers moved to take LB 728 from the Committee on Revenue and place it on General File. (Rule 3, Sec. 10).

Motion pending.

MOTION—Reconsider Action on LB 811

Mr. Dworak moved to reconsider action on LB 811 of February 25 to place on General File notwithstanding the Committee action.

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 1004. Considered.

Mr. Rumery asked unanimous consent to hold LB 1004.

Mrs. Marsh objected.

Mr. Rumery asked unanimous consent to withdraw his pending amendment found in the Journal on page 785 for the Thirty-fifth Day. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 868. Title read. Considered.

Mr. Bereuter renewed his pending amendment found in the Journal on page 756 for the Thirty-third Day.

Amendment pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 728. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

Public Health and Welfare

LEGISLATIVE BILL 917. Placed on General File as amended.
Standing Committee amendments to LB 917:

1. On page 4, strike beginning with "Not" in line
11 through the period in line 16; and in line 17 strike

"serve without compensation but" and insert "be paid a per diem of thirty dollars for each day actually and necessarily engaged in the performance of their duties as members of such board and".

(Remainder standing committee amendments printed separate from the Journal and available in the Clerk's Office.)

(Signed) Thomas C. Kennedy, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 663. Indefinitely postponed.

(Signed) George Syas, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 631A. By Koch, 12th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 631, Eighty-fourth Legislature, Second Session, 1976.

UNANIMOUS CONSENT–Print in Journal

Mr. F. Lewis asked unanimous consent to print the following amendment to LB 697 in the Journal. No objections. So ordered.

1. In committee amendment 1, line 9, strike "fifty" and insert "~~fifty~~".

VISITORS

The President introduced 15 junior high school students and sponsors from Scottsbluff, Nebraska; 16 sixth, seventh and eighth grade students from Christ Lutheran School, Juniata, Nebraska and sponsors; Dr. Ricardo Fernandez, head of the Council for Spanish Speaking People in the State of Wisconsin; Mr. Pasquale Marquez with the U. S. Department of Justice, Community Relations Division from Kansas City; 38 Nebraska Federation Democratic Women from Burt, Washington, Douglas, Sarpy and Cass Counties; 10 junior high school students and teachers from Sidney, Nebraska; Dr. Claus Hartmann, new Director of the Lincoln Regional Center; Dale Grace from Lewellen, Nebraska.

RECESS

At 12:00 noon, on a motion by Speaker Burbach the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Cope, Kremer, Marvel, and Skarda who were excused; Speaker Burbach who was excused until he arrives; Messrs. Burrows, Dickinson, Kime, R. Lewis, Maresh, Rumery, and Schmit who were absent until they arrive.

SELECT COMMITTEE REPORT
Committee on Committes

February 26, 1976

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below, which were submitted by Governor J. J. Exon. The Committee suggests the appointments be confirmed by the legislative body and suggests a record vote.

Mrs. Marian Andersen, 6545 Prairie Avenue, Omaha, Nebraska, was unable to appear before the committee on February 25th due to illness and plans to be available for the March 3rd hearing.

Mr. Leonard J. Schaefer, Box 34327, Omaha, Nebraska, was unable to appear before the committee on February 25th due to illness and plans to be available for the March 3rd hearing.

Mr. Loren Olsson - Nebraska Arts Council

No one appeared in support and no one appeared in opposition to Mr. Olsson's reappointment.

Committee Vote: For: (8) Senators Chambers, Clark, Hasebroock, Kelly, Keyes, Marsh, Savage, and Wiltse. Against: None. Pass: (1) Senator Kime. Excused: (3) Senators Duis, Koch, and Skarda. Absent: (1) Senator DeCamp.

Mr. E.N. "Jack" Thompson - Nebraska Arts Council

Senator Marsh appeared in support of Mr. Thompson. No one appeared in opposition.

Committee Vote: For: (8) Senators Chambers, Clark, Hasebroock, Kelly, Keyes, Marsh, Savage, and Wiltse. Against: None. Pass: (1) Senator Kime. Excused: (3) Senators Duis, Koch, and Skarda. Absent: (1) Senator DeCamp.

Mr. Wallace Richardson - Nebraska Arts Council

Senator Duis and Senator Marsh appeared in support of Mr. Richardson's appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Chambers, Clark, Hasebroock, Kelly, Keyes, Marsh, Savage, and Wiltse. Against. None. Pass: (1) Senator Kime. Excused: (3) Senators Duis, Koch, and Skarda. Absent: (1) Senator DeCamp.

Mr. Lowell Fisk - Public Employees Retirement Board

Senator Hasebroock appeared in support of Mr. Fisk's reappointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Chambers, Clark, Hasebroock, Kelly, Keyes, Marsh, Savage, and Wiltse. Against: None. Pass: (1) Senator Kime. Excused: (3) Senators Duis, Koch, Skarda. Absent: (1) Senator DeCamp.

Mr. Richard Weber - Public Employees Retirement Board

No one appeared in support of Mr. Weber's reappointment and no one appeared in opposition.

Committee Vote: For: (8) Senators Chambers, Clark, Hasebroock, Kelly, Keyes, Marsh, Savage, and Wiltse. Against: None. Pass: (1) Senator Kime. Excused: (3) Senators Duis, Koch, and Skarda. Absent: (1) Senator DeCamp.

Mrs. John Harris - Nebraska Arts Council

Rosemary Bauer appeared in support of Mrs. Harris' appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Chambers, Hasebroock, Kelly, Keyes, Clark, Marsh, Savage, and Wiltse. Against: None. Pass: (1) Senator Kime. Excused: (3) Senators Duis, Koch, and Skarda. Absent: (1) Senator DeCamp.

Mrs. Betty Abbott - Environmental Control Council

Senator Savage appeared in support of Mrs. Abbott's appointment. No one appeared in opposition.

Committee Vote: For: (7) Senators Chambers, Hasebroock, Kelly, Keyes, Kime, Marsh, and Savage. Against: None. Pass: (2) Senators Clark and Wiltse. Excused: (3) Senators Duis, Koch, and Skarda. Absent: (1) Senator DeCamp.

Mr. Robert Cox - Environmental Control Council

No one appeared in his behalf or in opposition to Mr. Cox's reappointment.

Committee Vote: For (7) Senators Chambers, Hasebroock, Kelly, Keyes, Kime, Marsh, and Savage. Against: None. Pass: (2) Senators Clark and Wiltse. Excused: (3) Senators Duis, Koch, and Skarda. Absent: (1) Senator DeCamp.

Mr. Dale Sampson - Environmental Control Council

No one appeared in his behalf or in opposition to Mr. Sampson's reappointment.

Committee Vote: For: (7) Senators Chambers, Hasebroock, Kelly, Keyes, Kime, Marsh, and Savage. Against: None. Pass: (2) Senators Clark and Wiltse. Excused: (3) Senators Duis, Koch, and Skarda. Absent: (1) Senator DeCamp.

Mrs. Margaret Sutherland - Environmental Control Council

No one appeared in her behalf or in opposition to Mrs. Sutherland's reappointment.

Committee Vote: For: (7) Senators Chambers, Hasebroock, Kelly, Keyes, Kime, Marsh, and Savage. Against: None. Pass: (2) Senators Clark and Wiltse. Excused: (3) Senators Duis, Koch, and Skarda. Absent: (1) Senator DeCamp.

Mr. Joseph J. Cascio
Board of Public Roads Classifications and Standards

Senator Skarda and Senator Savage appeared in his behalf. There was no opposition to his reappointment.

Committee Vote: For: (7) Senators Chambers, Hasebroock, Kelly, Keyes, Kime, Marsh, and Savage. Against: None. Pass: (2) Senators Clark and Wiltse. Excused: (3) Senators Duis, Koch, and Skarda. Absent: (1) Senator DeCamp.

It was the decision of the committee to recess the hearing of Mr. Martin Dineen's appointment as State Fire Marshal until March 3rd in Room 2102 at 12:00 noon at the State Capitol, Lincoln, Nebraska.

(Signed) John S. Savage, Chairman

GENERAL FILE

LEGISLATIVE BILL 868. Considered.

Mr. Bereuter renewed his pending amendment found in the Journal on page 756 for the Thirty-third Day.

The amendment was adopted with 25 ayes, 4 nays and 20 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 869. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 903. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 646 for the Twenty-seventh Day were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 944. Title read. Considered.

Standing Committee amendments found in the Journal on page 592 for the Twenty-fourth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 752. Title read. Considered.

Standing Committee amendments found in the Journal on page 668 for the Twenty-eighth Day were adopted with 26 ayes, 0 nays and 23 not voting.

Mr. F. Lewis offered the following amendment:

AMENDMENT TO LB 752

On page 7, line 18, strike "12,599,215" and insert "$13,123,318"; and on line 20, strike "$13,166,192" and insert "$13,690,295".

On page 14, line 9, strike "$70,307,807" and insert "$70,881,910" and on line 14, strike "$108,670,411" and insert "$109,194,514".

Amendment pending.

Mr. F. Lewis asked unanimous consent to bracket LB 752 until Monday, March 1, 1976. No objections. So ordered.

LEGISLATIVE BILL 756. Title read. Considered.

Mr. Marvel offered the following amendment:

AMENDMENT TO LB 756

On page 4, line 25, strike "525,823" and insert "525,824".

On page 5, line 3, strike "$1,124,640" and insert "1,124,641".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 676. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Dworak asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 630A. By Koch, 12th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 630, Eighty-fourth Legislature, Second Session, 1976.

ANNOUNCEMENTS

Mr. Maresh announced an executive session of the Labor Committee in room 2102 on Friday, February 27, 1976 at 8:00 a.m.

Mr. Rasmussen announced an executive session of the Government, Military and Veterans Affairs Committee at 1:15 p.m. on Friday, February 27, 1976 in room 2102.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 951. Indefinitely postponed.

(Signed) J. R. Murphy, Chairman

Urban Affairs

LEGISLATIVE BILL 765. Indefinitely postponed.

(Signed) Steve Fowler, Chairman

GENERAL FILE

LEGISLATIVE BILL 994. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 812. Title read. Considered.

Standing Committee amendments found in the Journal on page 681 for the Twenty-ninth Day were adopted with 26 ayes, 0 nays and 23 not voting.

Mr. F. Lewis offered the following amendment:
New section - The new park shall be named the J. W. Burbach State Park.

The amendment lost with 17 ayes, 6 nays and 26 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE RESOLUTION 110. Placed on General File.

Committee Statement
Education

LR 110

LR 110 was presented to the Education Committee for public hearing on February 9, 1976. The resolution, introduced by the Education Committee, allows the transfer of property acquired by the University of Nebraska to the Southeast Community College. The property to be transferred is legally described in the resolution, but commonly known as

Pershing College of Beatrice.

Appearing in support of LR 110 were:

Senator Bill Burrows
Robert Wehesser, Chairman of the Board of Southeast Nebraska Technical Community College
D. B. Varner, President-University of Nebraska
Robert Eicker, President-SENTCC
Bill Cook, Jr., Beatrice

Appearing in opposition of LR 110 were:

C. B. Schwab, Fairbury
Darrell Funker, Fairbury
Ted Doyle, Fairbury
Con Keating, Lincoln
Jim Preston, Lincoln
Mel Tryer, Fairbury
Ella Mae Hurlbert, Fairbury
Mrs. Forts, Lincoln

Testimony offered in support of LR 110 refreshed the Committee as to the developments which led to the acquisition of the Pershing College Campus and the transaction proposing transfer to the Community College.

The question of using the campus as a potential for a veterinary college of the University was discussed as an alternative. President Varner discouraged entertainment of this idea by pointing out the distance between the main campus and its facilities for library and basic science facilities would be detrimental to the program.

The President of Southeast Community College discussed the advantages of being able to expand course offerings to better serve the needs of the area. Dr. Eicker discussed the crowded conditions at both Milford and the Lincoln campus and the advantages at seizing this opportunity to acquire the Pershing Campus.

Opposition to the resolution basically came from residents of Fairbury who suggested this was a move to close the campus at Fairbury.

Representatives of the Four-Square Gospel Church urged the Committee to allow them the opportunity to acquire Pershing Campus so that they could open a school of Liberal Arts and Religion.

In Executive Session a motion was made by Senator Burrows to advance the resolution to the floor. The motion prevailed on a vote of 7-0 with Senator Kime being absent.

LEGISLATIVE BILL 940. Placed on General File.
LEGISLATIVE BILL 947. Placed on General File.
LEGISLATIVE BILL 995. Placed on General File.

(Signed) Frank Lewis, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Clark asked unanimous consent to print the following amendments to LB 903 in the Journal. No objections. So ordered.

Amendment to Committee amendment to LB 903

1. On page 3 strike beginning with "The" in line 23 through the underscored period in line 26 and insert "The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.".

2. On page 6 strike beginning with "The" in line 14 through the underscored period in line 17 and insert "The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.".

3. On page 9 strike beginning with "The" in line 4 through the underscored period in line 7 and insert "The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.".

4. On page 11 strike beginning with "The" in line 4 through the underscored period in line 7 and insert "The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.".

5. On page 12 strike beginning with "The" in line 23 through the underscored period in line 26 and insert "The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.".

6. On page 14, line 5 after "." insert "Aid payments which are withheld shall be no greater than the amount of the overpayment.".

7. On page 15 insert two new sections to read as follows:

"Sec. 13. Sections 2 to 12 and renumbered section 15 of this act shall become operative July 1, 1976. Sections 1 and new section 14 of this act shall become operative August 1, 1976.

Sec. 14. That original section 43-648, Revised Statutes Supplement, 1975, as amended by section 1, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, is repealed.".

8. On page 16, line 7 after "1975," insert "and"; and strike beginning with "and" in line 10 through "1975," in line 13.

9. Renumber original sections 13 and 14 as sections 15 and 16 respectively.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 888. Placed on General File as amended.
Standing Committee amendment to LB 888:

1. On page 3, line 9 strike "eleven" and insert "twelve".

LEGISLATIVE BILL 850. Indefinitely postponed.
LEGISLATIVE BILL 851. Indefinitely postponed.
LEGISLATIVE BILL 900. Indefinitely postponed.
LEGISLATIVE BILL 914. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairman

GENERAL FILE

LEGISLATIVE BILL 768. Title read. Considered.

Standing Committee amendment found in the Journal on page 670 for the Twenty-eighth Day was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Clark renewed his pending amendment found in the Journal on page 737 for the Thirty-second Day. The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 884. Title read. Considered.

Standing Committee amendments found in the Journal on page 582 for the Twenty-third Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 971. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 6 nays and 16 not voting.

LEGISLATIVE BILL 971A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 4 nays and 20 not voting.

LEGISLATIVE BILL 634. Title read. Considered.

Laid over at the request of Mr. Rumery.

LEGISLATIVE BILL 631. Mr. Koch asked unanimous consent to bracket until Thursday, March 4, 1976. No objections. So ordered.

UNANIMOUS CONSENT—Members Excused

Mr. Mahoney asked unanimous consent to be excused Friday, February 27, 1976. No objections. So ordered.

Messrs. Duis and Clark asked unanimous consent to be excused Friday afternoon, February 27, 1976. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 795. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 795A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 917. Title read. Considered.

Mr. F. Lewis asked unanimous consent to have the bill laid over until Monday, March 1, 1976. No objections. So ordered.

LEGISLATIVE BILL 763. Title read. Considered.

Standing Committee amendment found in the Journal on page 521 for the Twentieth Day was rejected with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 786. Title read. Considered.

Standing Committee amendments found in the Journal on page 563 for the Twenty-second Day were adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Keyes renewed his pending amendment found in the Journal on page 669 for the Twenty-eighth Day.

Mr. Goodrich offered the following amendment to the Keyes amendment:
Strike "March 1" and insert "April 1".

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

The Keyes amendment, as amended, was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

UNANIMOUS CONSENT—Bracket LB 519

Mr. Schmit asked unanimous consent to bracket LB 519 on Final Reading until March 2, 1976. No objections. So ordered.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 746. Placed on General File as amended.
Standing Committee amendments to LB 746:

1. Strike original sections 1 to 8 and insert new sections 1 to 4 as follows:

"Section 1. The purpose of this act is to provide for the organization, procedure, and financial support of an association of Nebraska county attorneys as an agency of the state to provide and carry on the activities of an Office of Prosecutor Services. The office shall have the statewide duty to provide the following services to all county attorneys and deputy county attorneys:

(1) To establish and direct a program of continuing education;

(2) To prepare manuals and materials for use in the various courts and administrative bodies of the state;

(3) To assist in the preparation of briefs, forms, jury instructions, and pleadings;

(4) To conduct research and studies for the purpose of improving the criminal justice system;

(5) To assist other law enforcement agencies in the state upon their request; and

(6) To conduct other activities for the purpose of improving the ability of prosecutors and their staffs to carry out their functions under the laws of the State of Nebraska.

Sec. 2. The association of Nebraska county attorneys shall adopt and file with the Secretary of State a constitution and by-laws which are consistent with the purposes of this act. The Attorney General shall render an opinion as to the eligibility of the association to receive and use funds from the various counties.

Sec. 3. Each county shall provide financial support to the association.

The association shall compute each county's share of such support by dividing the amount of money required by the number of part-time and full-time county attorneys and deputy county attorneys in the state and multiplying such amount by the number of part-time and full-time county attorneys and deputy county attorneys in that particular county. The county shall then pay such amount to the association.

Sec. 4. Such association shall annually report to the Governor the activities of the organization and make a complete accounting of its use of all funds received by it.".

LEGISLATIVE BILL 858. Placed on General File as amended.

Standing Committee amendments to LB 858:

1. On page 2 insert a new section as follows:

"Section 1. That section 76-1442, Revised Statutes Supplement, 1974, be amended to read as follows:

76-1442. The summon shall be issued and directed, with a copy of the petition attached thereto, and shall state the cause of the complaint, the time and place of trial of the action for possession, answer day for other causes of action, and notice that if the defendant fails to appear judgment shall be entered against him. The summons may be served and returned as in other cases, or by any person, except that the summons shall be served within three days, excluding Saturdays, Sundays and holidays, from the date of its issuance and shall be returnable within five days, excluding Saturdays, Sundays and holidays, from the date of its issuance. The person making the service shall file with the court an affidavit stating with particularity the manner in which he made the service. Trial of the action for possession shall be held not less than ~~seven~~ ten nor more than ~~ten~~ fourteen days after the ~~service~~ date of issuance of the summons.".

2. On page 2, line 11 after "after" strike "entry of judgment" and show as stricken and insert "issuance of the writ of restitution"; line 12 after "original" strike "section" and insert "sections 76-1442 and"; line 13 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3, respectively.

4. In the title line 2 strike "section" and insert "sections 76-1442 and"; after the semicolon in line 3 insert "to change the procedure for issuing a summons in an action for possession;"; and in line 6, strike "section" and insert "sections".

LEGISLATIVE BILL 893. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Johnson asked unanimous consent to be excused Friday, February 27, 1976. No objections. So ordered.

ADJOURNMENT

At 4:29 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, February 27, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

THIRTY-SEVENTH DAY—FEBRUARY 27, 1976

THIRTY-SEVENTH DAY—FEBRUARY 27, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 27, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, our loving Father, may we become more aware of the immediate concerns of our state - the minute problems confronting the various districts and the pleadings of our constituents. But keep ever before this significant body the eternal and all-encompassing goals upon which smaller issues must be measured: to love mercy; to right wrongs; to live for justice, and to serve Thee, our God, and our fellowman as we would serve ourselves. We pray in our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Cope, Johnson, Simpson, Skarda, and Mrs. Marsh who were excused; and Messrs. Goodrich and Stull who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-sixth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 65 and 666.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 65 and 666.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 185

February 25, 1976

Dear Senator Anderson:

In your letter of February 5, 1976, you asked whether the provisions of Legislative Bill 881 amending sec. 33-141, R.R.S. 1943, would constitute special legislation or would be in some manner constitutionally defective.

As you know, sec. 33-141, R.R.S. 1943, currently provides:

> "The legal rate for the publication of all legal notices shall be twenty-four cents a line, single column, standard newspaper measurements for the first insertion, and shall be twenty cents a line, single column, standard newspaper measurement for each subsequent insertion. Publication of such notices may be in any type selected by the publisher, but as to fees for such publication the measurement shall be in eight point type."

The effect of Legislative Bill 881 would be to add the following language:

> ". . . ,except that in counties or cities having a population of over two-hundred and seventy-five thousand inhabitants, the rate for the publication of legal notices may be the publisher's standard rate for classified advertising."

Section 33-141, R.R.S. 1943, as it is proposed to be amended by the provisions of Legislative Bill 881, concerns the legal rate which may be charged for the publication of all legal notices. The provisions of Legislative Bill 881 would appear to have the effect of allowing higher rates for counties with a population in excess of two-hundred and seventy-five thousand than in counties with a lessor population.

The Nebraska Supreme Court has held that the Legislature has the power to classify counties on the basis of population when the classification rests upon reasonable differences of situations or circumstances which call for distinctive legislation for that class. Metropolitan Utilities District v. City of Omaha, 171 Neb. 609, 107 N.W.2d 397; Midwest Popcorn Company v. Johnson, 152 Neb. 867, 43 N.W.2d 174.

The question then becomes whether there are circumstances surrounding the publication of legal notices in counties having such a population reasonably different from those in counties which do not have such a population.

Therefore, if a reasonable basis for this distinction can be shown, such as higher costs to the publisher or some other such factor, we believe that such a classification can be supported constitutionally. If not, however, such a distinction would be difficult to defend.

If we can be of further assistance on this matter, please let us know.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:pjf
cc: Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 186
February 26, 1976

Dear Senator Barnett:

You have asked whether the health insurance plan for state employees under the Nebraska State Insurance Program violates federal rules and regulations entitled "Non-Discrimination by Recipients of Federal Revenue Sharing Funds." You have asked specifically whether pregnancy is being considered a temporary disability as far as insurance premiums are concerned and whether it is compatible with the federal regulations for the State of Nebraska as a recipient of federal revenue sharing funds to require higher premiums for maternity coverage. You have indicated your intention to introduce corrective legislation if the Nebraska plan does not comply with the federal regulations.

Participation in the Nebraska State Insurance Program for health insurance is optional. There are three classes of coverage: individual, two or four-party, and family. There are two levels of coverage available for the preceding class. If an employee elects to participate in any class at either level of coverage, a portion of the premium is paid by the State. The amount paid by the state is the same for each participating employee, regardless of the class of coverage selected. Maternity benefits are available only under a family plan. Any employee, whether male or female, married or single, can elect to be covered by a family plan.

Under the federal guidelines, no government receiving entitlement funds for a program can discriminate among its employees by providing any service or other benefit which is different from that provided to others on the basis of sex. Sections 51.52 (a) and (b) (ii). Any fringe benefit for any temporary disability arising from pregnancy must be treated in the same manner as any fringe benefit for any other temporary disability. Section 51.54(d)(2).

The option to participate in the state health insurance program and have a portion of the premium for it paid by the state may be characterized as a "fringe benefit." But this option is available to all employees, regardless of their sex, if they are willing to pay the difference between the premium and the portion of the premium paid by the state.

The difference in premiums under the Nebraska plan is based on the difference in benefits, not on the difference in the sex of the insured. It is not an unlawful employment practice under Section 51.54 (c)(2) of the federal guidelines for an employer to provide for both unequal benefits and unequal contributions in the area of insurance programs where such unequal benefits or unequal contributions are directly related to actuarial differences. This rule is consistent with the holding in Geduldig v. Aiello, 417 U.S. 484 (1974). There the court held there was no invidious discrimination in violation of the Equal Protection Clause of the Fourteenth Amendment in a mandatory employee-financed disability income plan which excluded disabilities related to a normal pregnancy and delivery. Among other justifications, the court found that the State of California had "a legitimate concern in maintaining the contribution rate at a level that will not unduly burden participating employees, particularly low-income employees who may be most in need of the disability insurance. . . . There is no risk from which men are protected and women are not. Likewise, there is no risk from which women are protected and men are not."

Whether disability income plans of private employers which exclude from coverage pregnancy-related disabilities violate Title VII of the Civil Rights Act of 1964 even if they do not violate the Equal Protection Clause of the Constitution is presently before the U.S. Supreme Court in Wetzel v. Liberty Mutual Casualty Insurance Co., 511 F.2d 199 (3rd Cir. 1975), now pending on certiorari and in Communications Workers of America AFL-CIO v. AT&T Longlines Department, 513 F.2d 1024 (2nd Cir. 1975), in which an appeal is now pending. Should the Court find that such private plans do violate Title VII, the federal guidelines for governmental units will not necessarily change. At any rate the present guidelines recognized an exception based on Geduldig and the Nebraska plan comes within it.

We have concluded that the Nebraska health insurance program for state employees does not violate the federal guidelines proscribing discrimination on the basis of sex as such discrimination is presently interpreted.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Print in Journal

Mr. Bereuter asked unanimous consent to print the following amendment to LB 768 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 768

1. On page 2, insert the following new sections:

"Section 2. The office of Consumer Counsel is hereby established to exercise the authority and perform the duties provided by this act. The Consumer Counsel shall be appointed by the Public Service Commission with the advice and consent of the Legislature no later than January 1, 1977.

Sec. 3. (1) The Consumer Counsel shall be an attorney licensed to practice in this state and qualified by knowledge and experience to practice in public utility proceedings. No person may serve as Consumer Counsel while he holds any other state office.

(2) Neither the Consumer Counsel nor any full-time employee of the office of Consumer Counsel shall engage in any other business or profession, serve as the representative of any political party or on any executive committee or other governing body thereof, serve as an executive, officer, or employee of any political party, committee, organization, or association, receive remuneration for activities on behalf of any candidate for public office, or be engaged on behalf of any candidate for public office in the solicitation of votes or other activities in behalf of such candidacy.

(3) Neither the Consumer Counsel nor any employee of the Consumer Counsel shall become a candidate for election to public office unless he shall first resign from his office or employment.

Sec. 4. The Consumer Counsel shall serve for a term of six years, unless removed by vote of four-fifths of the members of the Public Service Commission upon their determining that he has become incapacitated or has been guilty of neglect of duty or misconduct. If the office of Consumer Counsel shall become vacant for any cause, the deputy Consumer Counsel shall serve as acting Consumer Counsel until a Consumer Counsel has been appointed for a full term. Within ninety days of any such vacancy the Public Service Commission shall appoint a Consumer Counsel subject to confirmation by a majority vote of the members elected to the Legislature. The Consumer Counsel shall receive such salary as is set by the Public Service Commission, but in no case shall the annual salary be less than twenty-seven thousand five hundred dollars.

Sec. 5. The Consumer Counsel may select, appoint, and compensate as he may see fit, within the amount available by appropriation, such assistants and employees as he may deem necessary to discharge his responsibilities under this act, and shall designate one of his assistants to be the deputy Consumer Counsel. The Consumer Counsel may delegate to members of his staff any of his authority or duty under this act except the power of delegation and the duty of formally making recommendations and reports to the Governor or the Legislature. The Consumer Counsel may also employ from time to time outside consultants knowledgeable in the utility regulation field including, but not limited to, economists, capital cost experts, and rate design experts.

Sec. 6. The Consumer Counsel shall maintain office space in either the State Capitol Building or the quarters of the Public Service Commission, or both, at the discretion of the Consumer Counsel. If the Public Service Commission is requested to provide space for the Consumer Counsel and his staff it shall provide adequate space but may assess reasonable charges for such space.

Sec. 7. The Consumer Counsel shall have the following powers and duties to:

(1) Appear before the Public Service Commission for and in behalf of the people of this state in any hearing or matter affecting the rights of the consuming public, including, but not limited to, any proceedings seeking the curtailment of services or the increase of rates or costs of services or commodities, and to have all the rights and powers of any party in interest appearing before the Public Service Commission;

(2) Recommend to the Public Service Commission, by petition, the commencement of any proceeding or action, or appear in any proceeding or action before the Public Service Commission in the name of this state or its citizens and to urge in such proceeding any position which the Consumer Counsel deems to be in the public interest, whether consistent or inconsistent with

positions previously adopted by the Public Service Commission, and to utilize in such proceeding all forms of discovery available to attorneys in civil actions generally;

(3) Institute proceedings before the Public Service Commission against regulated companies;

(4) Seek, in any proceeding in which the Consumer Counsel has participated as a party, the review of any determination, finding or order of the Public Service Commission, or of any hearing examiner designated by the Public Service Commission, in the name of the state or its citizens;

(5) Institute, intervene in, or otherwise participate in appropriate proceedings in the state and federal courts and administrative agencies in the name of and on behalf of the utility and transportation consuming public of the State of Nebraska or substantial elements thereof including review of decisions rendered by or failure to act by the Public Service Commission;

(6) Examine under oath, in any Public Service Commission proceedings, any officer, director, manager, or employee of any regulated company and inspect the business and corporate records of any regulated company in accordance with the law to aid in the exercise of his duties;

(7) Have all the investigatory powers necessary to perform the duties of the Consumer Counsel as provided herein and all discovery powers provided by Chapter 25 and Chapter 84, article 9, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto;

(8) Have access to and use of all facilities, files, records, data, and other information of the Public Service Commission available to any other attorney representing parties in a proceeding before the Public Service Commission;

(9) Prepare and issue reports, recommendations, and proposed orders to the Public Service Commission, the Governor, and the Legislature on any matter or subject within the jurisdiction of the Public Service Commission, and to make such recommendations as the Consumer Counsel deems appropriate for the legislation relative to Public Service Commission procedures, rules, jurisdiction, personnel, and functions; and

(10) Meet and confer with members or representatives of the consuming public at such times and places as the Consumer Counsel determines appropriate.

Sec. 8. If any person is requested to appear with or without his records as a witness before the

Public Service Commission or be examined under the provisions of this act, the Consumer Counsel may apply to the clerk of the United States District Court for the district of Nebraska, or to the clerk of the district court of any judicial district for a subpoena commanding the appearance of the witness and his records if requested. It shall be the duty of the clerk to issue the subpoena and the duty of any peace officer to serve such subpoena. Disobedience of a subpoena issued under the provisions of this act shall be contempt of court and shall be punished accordingly.

Sec. 9. The Consumer Counsil shall annually prepare a budget showing all expenditures proposed by the office of Consumer Council for the fiscal year beginning the following July 1. Such budget shall be submitted to the Public Service Commission by August 30 of each year. The Public Service Commission shall transmit its budget and the budget of the office of Consumer Council to the Director of Administrative Services as required in section 81-132, Reissue Revised Statutes of Nebraska, 1943. The final budget for the office of Consumer Council shall be set by the Legislature.

Sec. 10. Nothing in this act shall be construed to give the Public Service Commission any authority, power, or responsibility over the office of Consumer Council, its employees, or the exercise of its functions under this act. After July 1, 1977 any powers, duties, or responsibilities performed by the Public Service Commission which would be similar to powers, duties, and responsibilities provided by the office of Consumer Counsel shall be transferred or eliminated so as to avoid any duplication of efforts.

Sec. 11. A person who willfully obstructs or hinders the proper exercise of the Consumer Counsel's functions, or who willfully misleads or attempts to mislead the Consumer Counsel in his inquiries, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than five thousand dollars.

Sec. 12. All forms of notice of public hearings conducted by the Public Service Commission under this act, including all notices posted in public places or published in the legal advertising sections of newspapers, shall advise members of the consuming public of the existence of the office of the Consumer Counsel and its availability to function on behalf of members of the consuming public.

Sec. 13. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. Add underscoring to new sections 3 to 12.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 503.

A BILL FOR AN ACT relating to education; to provide conditions under which students may be expelled or excluded from school; to provide procedures; to provide for hearings on the facts; to allow representation; to prescribe powers and duties; to provide for appeals; to provide for limits of expulsion or exclusion from school; and to repeal section 79-449, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 21:

Barnett
Burbach
Burrows
Carsten
Cavanaugh
Chambers
DeCamp
Duis
Fitzgerald
Fowler
George
Keyes
Luedtke
Mahoney
Moylan
Nichol
Rumery
Savage
Stoney
Swigart
Syas

Voting in the negative, 20:

Bereuter
Clark
Dickinson
Dworak
Hasebroock
Kelly
Kennedy
Kime
Koch
Kremer
F. Lewis
R. Lewis
Maresh
Marvel
Mills
Murphy
Rasmussen
Schmit
Warner
Wiltse

Not voting, 8:

Anderson
Cope
Goodrich
Johnson
Marsh
Simpson
Skarda
Stull

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 998.

A BILL FOR AN ACT relating to state agencies; to authorize participation in the federal excess property program; and to authorize the purchase of certain insurance policies as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Hasebroock	Kelly	Kennedy	Keyes	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marvel	Mills	Moylan	Murphy
Nichol	Rasmussen	Savage	Schmit	Stoney
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Anderson	Cope	Goodrich	Johnson	Kime
Marsh	Rumery	Simpson	Skarda	Stull

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE RESOLUTION 115. E & R amendment found in the Journal on page 788 for the Thirty-sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 684. E & R amendments found in the Journal on page 788 for the Thirty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 743. E & R amendments found in the Journal on page 789 for the Thirty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 798. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 977. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 634. Considered.

Advanced to E & R for Review with 33 ayes, 1 nay and 15 not voting.

LEGISLATIVE BILL 634A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 2 nays and 17 not voting.

LEGISLATIVE BILL 182. Mr. Kelly asked unanimous consent to hold LB 182 until after LB 987 is considered. No objections. So ordered.

LEGISLATIVE BILL 861. Title read. Considered.

Standing Committee amendment found in the Journal on page 784 for the Thirty-fifth Day was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. F. Lewis offered the following amendment:
Add new section:
All funds collected from the increase in the fees listed in this bill shall be placed in a special fund and shall be matched dollar for dollar with state general fund money. No funds from the special account shall be spent for any purposes other than acquiring or leasing habitat land or to pay the in-lien of tax on the same.

The amendment lost with 8 ayes, 21 nays and 20 not voting.

Mr. Rasmussen offered the following amendment:
Page 8
Line 14 change 30 to $40
Line 15 and 16 change 7.50 to $10
Line 19 change 20 to $25

The amendment lost with 17 ayes, 16 nays and 16 not voting.

Laid over temporarily.

UNANIMOUS CONSENT—Withdraw motion on LB 728

Mr. Chambers asked unanimous consent to withdraw his motion to raise LB 728 found on page 802 of the Legislative Journal. No objections. So ordered.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 833. Placed on General File.

(Signed) Frank Lewis, Chairman

Public Works

LEGISLATIVE BILL 147. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

BILLS ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 761A. By F. Lewis, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 761, Eighty-fourth Legislature, Second Session, 1976.

LEGISLATIVE BILL 867A. By Koch, 12th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 867, Eighty-fourth Legislature, Second Session, 1976.

UNANIMOUS CONSENT—Print in Journal

Mr. Clark asked unanimous consent to print the following amendment to LB 903 in the Journal. No objections. So ordered.

AMENDMENT TO COMMITTEE AMENDMENT TO LB 903

1. On page 15 insert two new sections to read as follows:

"Section 13. That section 77-2205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2205. If the State Treasurer is unable to pay the full amount thereof for any such warrants when they are presented to him due to (1) insufficient money to the credit of the funds against which such warrants are drawn, (2) not being authorized by the Board of Educational Lands and Funds to invest trust funds in state warrants or (3) insufficient money in such trust funds to pay the same, then the owner or holder of the warrants shall be entitled to have the same registered, and not otherwise. The State Treasurer shall not pay any warrant, unless registered for any of the reasons set forth in this section, which is presented for payment more than ~~two years~~ six months after the date of its issuance, and any such warrant shall cease to be an obligation of the State of Nebraska and shall be charged off upon the books of the State Treasurer. Such warrant may, however, thereafter be presented to the State Claims Board for its consideration and recommendation. The State Treasurer shall perform a bank reconciliation at least once each month and shall provide a report to the Governor stating which warrants are to be cancelled.

Section 14. That section 84-302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-302. (1) The Director of Administrative Services is declared to be the general accountant of the state, and the keeper of all public accounts books, accounts, vouchers, documents, and all papers relating to the accounts and contracts of the state, and its revenue, debt and fiscal affairs, not required by law to be placed in some other office or kept by some other officer or person.

(2) In order to develop and maintain fiscal information on all public accounts being kept by the state, each officer or individual required by law to keep public accounts books, vouchers, documents, and papers relating to the accounts and contracts of the state, and its revenue, debt, and fiscal affairs, shall provide the Director of Administrative Services with a summary report of such fiscal information. Such report shall be submitted to the Director of Administrative Services not less frequently than once each month at such time and in such form as shall be prescribed by the director.".

2. On page 15, line 17 strike "section" and insert "sections 77-2205," and after "77-27,136," insert "and 84-302,".

3. Renumber sections 13 and 14 as sections 15 and 16.

4. In the title, line 3 strike "section" and insert "sections 77-2205," and after "77-27,137," insert "and 84-302,"; in line 32 after "prescribed;" insert "to change the time warrants cease to be an obligation of the state; to provide duties of the State Treasurer; to provide that fiscal information relating to public accounts be filed with the Director of Administrative Services;".

UNANIMOUS CONSENT–Member Excused

Mr. Hasebroock asked unanimous consent to be excused this afternoon. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 123.

Introduced by Fowler, 27th District.

WHEREAS, the world supply of fossil fuels is dwindling rapidly and is in all cases finite; and

WHEREAS, the conservation of existing sources of energy is the only way to give us more time to develop proper alternate sources of energy; and

WHEREAS, the conservation of existing forms of energy is in the best interest of the public and private sector; and

WHEREAS, the State Office of Energy Conservation in conjunction with the business, professional and educational sectors have declared the month of March 1976 as ENERGY CONSERVATION MONTH.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE, OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature urge all citizens of the State of Nebraska to acquaint themselves with the various conservation techniques and practices to the end that we can all save these resources, our environment and furtherance of . . . Nebraska . . . the Good Life.

Laid over.

MEMBER'S BIRTHDAY

The Chair announced that Sunday, February 29 is Senator Fitzgerald's birthday.

GENERAL FILE

LEGISLATIVE BILL 861. Considered.

Mr. Rasmussen offered the following amendment:
Page 7 Line 14 strike 6.50 and insert $5.00
Page 7 Line 15 strike 7.50 and insert 5.00
Page 7 Line 16 strike 13.50 and insert $10.00
Page 7 Line 17 strike 7 and insert 4.50

The amendment lost with 9 ayes, 15 nays and 25 not voting.

Mr. Dickinson offered the following amendment:
To amend LB 861 by striking acquisition on line 11 page 17.

The amendment lost with 12 ayes, 14 nays and 23 not voting.

Mr. Maresh offered the following amendment:
Amend LB 861 page 17 Sec 14 Line 11 after acquisition insert "on a willing seller willing buyer basis only"

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. F. Lewis offered the following amendment:
Add new section - The increase in fees as provided in this bill shall be placed in a special account to be called the "Nebraska Habitat Fund." The Funds from the Nebraska Habitat Fund shall not be expended until the Game Commission has presented a complete Long-Range Habitat Plan acceptable to the Legislature.

The amendment was adopted with 25 ayes, 10 nays and 14 not voting.

Laid over temporarily.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 703A. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 703, Eighty-fourth Legislature, Second Session, 1976.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 809. Placed on General File as amended.
Standing Committee amendments to LB 809:

1. Strike original sections 1 to 16 and insert the following:

"Section 1. (1) Any three or more hospitals, as defined in subsections (4) and (6) of section 71-2002, Reissue Revised Statutes of Nebraska, 1943, located in this state and licensed by the Department of Health may incorporate a mutual insurance association to insure member hospitals, their officers, directors, employees, and volunteer workers against liability arising from rendering, or failing to render, professional services in the treatment or care of patients by hospitals.

(2) Such an association shall be authorized to insure members against other liability, for injury to persons or property attributable to the hospital or caused by property used in or activities arising from the operation of the hospital. Such coverage against other liability may be provided to members only to supplement professional liability insurance from the association.

Sec. 2. Any hospital within the state shall be qualified to become a member of such association, if it is licensed by the Department of Health.

Sec. 3. (1) Any association to be formed pursuant to this act shall be formed by submitting executed articles of incorporation to the Department of Insurance for examination and if approved and found by it to be in accordance with the laws of this state, the department shall so certify. When such articles are so approved, they shall be filed in the office of the Secretary of State and of the county clerk of the county in which the principal office of the company is to be established, and a copy thereof filed in the office of the Department of Insurance. The articles shall not be considered filed until they have been filed in each office prescribed above.

(2) The articles and by-laws shall set forth in detail the association's proposed method of doing business. Such articles and by-laws may include provisions for the following matters:

(a) Reinsurance with a professional reinsurance company;

(b) The extent and method of risk sharing among its members; and

(c) Borrowing money.

Sec. 4. The board of directors of an association formed pursuant to this act shall be comprised of not fewer than five nor more than twenty-one persons and a majority of them must be residents of the State of Nebraska. A person convicted of a felony may not be a director and all directors must be of good moral character and known professional, administrative, or business ability, such business ability to include a practical knowledge of insurance, finance, or investment. Unless otherwise provided in the articles of incorporation, the board of directors shall make all by-laws. If the number of or qualifications for directors shall be amended in the articles or by-laws, such change shall not affect the incumbent directors for the term of office to which they were elected.

Sec. 5. (1) Within sixty days after the articles and by-laws are filed with the Director of Insurance pursuant to section 3 of this act, the director shall make a determination whether the filed documents meet the requirements of this act. Such determination shall be communicated in writing to the organizers of the association.

(2) If the documents so filed are deficient, the director's written findings shall state specifically on what grounds he is disapproving them. The organizers may thereafter amend and refile the articles and by-laws, which amended filing the Director of Insurance shall approve or disapprove within sixty days.

Sec. 6. No association organized under this act shall transact the business of insurance until:

(1) Its articles and by-laws have been approved by the Director of Insurance, and the articles filed as required by section 3 of this act;

(2) It has filed with the Director of Insurance acceptable evidence that it has, and shall maintain, a minimum surplus aggregating at least five hundred thousand dollars in cash, in the investments specified in section 44-309, Reissue Revised Statutes of Nebraska, 1943, or a letter of credit issued by a Nebraska banking institution in accordance with loan restrictions prescribed by the laws of this state;

(3) All policies, applications, and other forms together with all manuals and rates to be used, have been filed and approved as provided in sections 44-348 and 44-1405, Reissue Revised Statutes of Nebraska, 1943;

(4) A certificate of authority has been issued to the association as provided in section 44-303, Reissue Revised Statutes of Nebraska, 1943; and

(5) It has received at least five applications for policies.

Sec. 7. The association shall not be a member of the Nebraska Property and Liability Insurance Guaranty Association described in Chapter 44, article 24, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

Sec. 8. The association may collect, at the time a policy is issued, a membership fee of not more than three hundred dollars for each bed owned or operated by the member hospital. Such fee shall be paid into the association's surplus and shall be in addition to any premium charged for insurance.

Sec. 9. No member of the association shall be liable for any amounts because of such membership, other than the membership fee prescribed in section 8 of this act, and premiums.

Sec. 10. The business of the association shall be conducted so as to preclude any distribution of income, profit, or property of the association to members thereof except in payment of claims, in reduction of premiums, for experience refunds to members, or upon final dissolution.

Sec. 11. For the purposes of this act the director shall have the authority to determine the maximum exposure to loss on any risk to be written by the association. All policy forms, premium rates, and limits of indemnity shall be filed with and subject to the approval of the director. In approving premium rates to be charged for malpractice insurance, limits of indemnity and members and risks outside this state, the director shall give due consideration to past and prospective loss and expense experience for medical malpractice insurance written and to be written, trends in the frequency and severity of the loss, the investment income of the association, and such other information as the director may deem relevant.

Sec. 12. To the extent applicable and when not in conflict with the provisions of this act, Chapters 21 and 44, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, relating to insurance and corporations shall apply to associations incorporated pursuant to this act.

Sec. 13. This act shall be known and may be cited as the Nebraska Hospital Mutual Insurance Association Act.

Sec. 14. The Department of Insurance shall be empowered to adopt and promulgate such reasonable rules and regulations as may be necessary or appropriate to carry out the provisions of this act.

Sec. 15. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 16. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) J. R. Murphy, Chairman

MOTION—Reconsider Action on LB 503

Mr. F. Lewis moved to reconsider action on LB 503 on Final Reading. Motion pending.

GENERAL FILE

LEGISLATIVE BILL 861. Mr. Mills offered the following amendment:
Page 8 Line 15 and 16 strike new language and insert 15 Dollars
Line 19 strike Twenty insert Thirty. Amendment pending.

Mr. Mahoney asked unanimous consent to bracket LB 861.

Mr. George objected.

Mr. Mahoney moved to bracket LB 861 until Wednesday, March 3, 1976.

Mr. Mahoney moved for a Call of the House. The motion prevailed with 20 ayes, 1 nay and 28 not voting.

Mr. Mahoney moved the Call be raised. The motion prevailed.

The Mahoney motion to bracket until March 3, 1976 prevailed with 25 ayes, 12 nays and 12 not voting.

ANNOUNCEMENT

Mr. Luedtke announced an executive session of the Judiciary Committee at 1:00 p.m. Monday, March 1, 1976.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 250. Indefinitely postponed.
LEGISLATIVE BILL 892. Indefinitely postponed.
LEGISLATIVE BILL 913. Indefinitely postponed.
LEGISLATIVE BILL 942. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

GENERAL FILE

LEGISLATIVE BILL 782. Title read. Considered.

Standing Committee amendments found in the Journal on page 798 for the Thirty-sixth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Chambers offered the following amendment:
Amend by striking p. 3 Sec. 8

The amendment was adopted with 25 ayes, 2 nays and 22 not voting.

Mr. DeCamp offered the following amendment:
SECTION 2:
The minimum qualifications, training standards and standard operating procedures shall be published in a Reserve Forces Manual. Each Reserve Force shall adopt a Manual which shall set forth the minimum, or higher, qualifications, training standards and standard operating procedures used by said Reserve Force.

SECTION 6:
All Law Enforcement Reserve Officers are subordinate to regular officers, and when working with regular officers, the Reserve Officer will not wear rank insignia.
Each department that establishes a Reserve Force shall appoint a regular officer as the coordinator and supervising officer of said Reserve Force. The coordinator shall report directly to the sheriff or the Chief of Police.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. DeCamp offered the following amendment:
On page 2 line 25 strike "May" insert "shall"

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays and 30 not voting.

The DeCamp amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. DeCamp moved the Call by raised. The motion prevailed.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 314. Indefinitely postponed.

LEGISLATIVE BILL 471. Indefinitely postponed.
LEGISLATIVE BILL 829. Indefinitely postponed.

(Signed) Richard D. Marvel, Chairman

VISITORS

The President introduced 24 fourth grade students, 1 teacher and 3 mothers from General Arnold School, Lincoln, Nebraska.

RECESS

At 12:00 Noon, on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Clark, Cope, Duis, Hasebroock, Mahoney, Marsh, Johnson, Skarda, and Simpson who were excused; Messrs. Barnett, Cavanaugh, Chambers, Fitzgerald, Kennedy, R. Lewis, Luedtke, Maresh, and Schmit who were absent until they arrive.

GENERAL FILE

LEGISLATIVE BILL 665. Title read. Considered.

Mr. F. Lewis offered the following amendment:
Add after district, on line 4 page 2, service area.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Laid over at the request of Mr. F. Lewis.

LEGISLATIVE BILL 996. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 820. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 825. Title read. Considered.

Standing Committee amendments found in the Journal on page 769 for the Thirty-fourth Day were adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 692. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 981. Placed on General File.

(Signed) J. R. Murphy, Chairman

Public Works

LEGISLATIVE BILL 1005. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 877. Title read. Considered.

Standing Committee amendments found in the Journal on page 699 for the Thirtieth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 626. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

MOTION–Non-Controversial Bills

Mr. Cavanaugh moved that after the Speaker's order of non-controversial bills that any other Senator may moved to move a non-controversial bill.

The motion lost with 10 ayes, 13 nays and 26 not voting.

GENERAL FILE

LEGISLATIVE BILL 642. Title read. Considered.

Standing Committee amendment found in the Journal on page 446 for the Seventeenth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Cavanaugh moved to have the bill laid over. The motion lost with 2 ayes, 21 nays and 26 not voting.

Mr. Savage moved the adoption of the following Mahoney amendment:
1. On page 9, line 6, insert "negotiable or nonnegotiable" after "lawful".

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Cavanaugh moved to indefinitely postpone.

Mr. Cavanaugh moved to have the bill laid over.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay and 21 not voting.

The Cavanaugh motion to lay over lost with 1 aye, 30 nays and 18 not voting.

The Cavanaugh motion to indefinitely postpone lost with 1 aye, 28 nays and 20 not voting.

Mr. Cavanaugh offered the following amendment:
Amend LB 642 Strike Line 10 to 19 Page 7

The amendment lost with 1 aye, 25 nays and 23 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 715. Title read. Considered.

Standing Committee amendments found in the Journal on page 446 for the Seventeeth Day were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Cavanaugh moved to have the bill laid over until Monday, March 1, 1976.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The motion to lay over lost with 1 aye, 29 nays and 19 not voting.

Mr. Cavanaugh moved to indefinitely postpone.

The motion lost with 1 aye, 31 nays and 17 not voting.

Mr. Cavanaugh moved to adjourn.

The motion lost.

Advanced to E & R for Review with 31 ayes, 1 nay and 17 not voting.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 967. Placed on General File as amended.
Standing Committee amendment to LB 967:

1. On page 2, strike beginning with "arrested" in line 1 through "to" in line 3 and insert "placed for"; in line 4 strike "or to confinement in the county jail,"; and in lines 9 and 10 strike "or confinement".

LEGISLATIVE BILL 661. Indefinitely postponed.
LEGISLATIVE BILL 946. Indefinitely postponed.

(Signed) Dennis L. Rasmussen, Chairman

Urban Affairs

LEGISLATIVE BILL 84. Placed on General File as amended.
Standing Committee amendments to LB 84:
(Amendments printed separate from the Journal and on file in the Clerk's office.)

(Signed) Steve Fowler, Chairman

GENERAL FILE

LEGISLATIVE BILL 722. Title read. Considered.

Standing Committee amendments found in the Journal on page 448 for the Seventeenth Day were adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

SELECT COMMITTEE REPORT
Committee on Committees

February 27, 1976

The Committee on Committees desires to report favorably upon the appointment listed below which was submitted by Governor J. J. Exon. The Committee suggest the appointment be confirmed by the Legislature.

Dr. James Thayer – Nebraska Arts Council

Committee Vote: For: (8) Senators Chambers, Clark, DeCamp, Duis, Kime, Koch, Savage, and Wiltse. Against: None. Absent and Not Voting: (2) Senators Kelly and Keyes. Excused: (3) Senators Hasebroock, Marsh, and Skarda.

(Signed) John S. Savage, Chairman

MOTION—Non-Controversial Bills

Mr. Cavanaugh moved each Senator be allowed to propose a non-controversial bill to be considered by the membership.

The Chair ruled the motion out of order.

GENERAL FILE

LEGISLATIVE BILL 846. Title read. Considered.

Mr. Cavanaugh moved to indefinitely postpone. The motion lost with 1 aye, 22 nays and 26 not voting.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 667. Title read. Considered.

Mr. Fowler asked unanimous consent to have LB 667 laid over until Thursday, March 4, 1976.

Mr. Koch objected.

Mr. Fowler moved to lay the bill over until March 4, 1976.

The motion lost with 13 ayes, 14 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 4 nays and 20 not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 739. Placed on General File as amended.

Standing Committee amendments to LB 739:

1. On page 2, strike original section 1 and insert the following:

"Section 1. (1) There is hereby created within the Legislative Council a division to be known as the Division of Legislative Legal Counsel. Such office shall be administered by the Legislative Legal Counsel.

(2) The Division of Legislative Legal Counsel shall have such powers, duties, and responsibilities as provided in this act and shall perform such other duties as the Legislative Counsel or the Executive Board thereof may designate.

(3) The Legislative Legal Counsel shall be an attorney licensed to practice law in this state and shall be skilled and experienced, for not less than two years, in legislative process and the general practice of law.".

2. All amendatory material having been taken from the bill, remove all underscoring.

3. On page 2 strike beginning with "to" in line 17 through "thereafter" in line 18 and insert "and shall serve at the pleasure of the Legislature".

4. On page 3, line 1 after "dollars" insert ", which may be prorated on an hourly basis,"; in lines 3 and 4 strike "Statute Revision and Legal Services" and insert "Legislative Legal Counsel"; in line 6 before "assistance" insert "technical" and strike beginning with "provide" in line 6 through "resolutions" in line 8 and insert "provide legal research"; in line 9 after "maintain" insert "legal"; and strike lines 17 through 27.

5. On page 4, strike lines 1 and 2; in lines 3 and 19 strike "Revisor of Statutes and the"; and in line 26 strike "(a)".

6. On page 5, line 1 after "request" insert a period and strike beginning with the comma in line 1 through the period in line 6; in line 12 after "Counsel" insert "or a special counsel employed for specific litigation by the Legislative Legal Counsel"; strike beginning with "appear" in line 13 through "proceeding" in line 15 and insert "represent the Legislature in any action"; strike lines 17 through 20; and in line 21 strike "(3)" and insert "(2)".

7. On pages 5 and 6 strike original sections 7 and 8.

8. On page 6, lines 19 and 20, strike "Statutes Revision and Legal Services" and insert "Legislative Legal Counsel"; in lines 24 and 25 strike "and the Revisor of Statutes" and insert "shall be encouraged to utilize the services of other divisions within the Legislative Council and".

9. On page 7, line 1 strike "offices" and insert "office"; and strike lines 2 and 3.

10. On page 7 after line 3 insert the following new sections:

"Sec. 7. This act shall become operative

July 1, 1976.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

11. Renumber original section 9 as section 6.

LEGISLATIVE BILL 904. Placed on General File.
LEGISLATIVE BILL 633. Indefinitely postponed.
LEGISLATIVE BILL 895. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

GENERAL FILE

LEGISLATIVE BILL 670. Title read. Considered.

Standing Committee amendment found in the Journal on page 424 for the Sixteenth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Cavanaugh offered the following amendment:
Page 2, line 10, strike "ten" and insert "five".

The amendment lost with 4 ayes, 24 nays and 21 not voting.

Mr. Cavanaugh offered the following amendment:
Amend page 2 line 10 strike "ten years".

The amendment lost with 4 ayes, 21 nays and 24 not voting.

Mr. Cavanaugh offered the following amendment:
Page 2 Line 8 strike "two years" add "year".

The amendment lost with 4 ayes, 21 nays and 24 not voting.

Advanced to E & R for Review with 30 ayes, 1 nay and 18 not voting.

ADJOURNMENT

At 4:00 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Monday, March 1, 1976.

Vincent D. Brown
Clerk of the Legislature

THIRTY-EIGHTH DAY—MARCH 1, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 1, 1976

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

The Chair announced Dr. Palmer is celebrating his birthday.

> Almighty God, before whose face the generations of men rise and pass away, we thank you for this day for the opportunity of celebrating the birthday of our State. We remember in gratitude this native land - and all who have sacrificed so much to keep her strong and right.
>
> We are thankful that our land was born and nurtured in liberty, and that those who settled on these plains were men and women who desired the opportunity to build here a better place in which all could live together in harmony and justice.
>
> We are thankful that when there have been dangers before our State there have been those who have risen to defend her - placing their State's welfare above private gain.
>
> So may this Nebraska celebration remind us anew of the importance of a continuing heritage, served by the Senators here and those who assist them, and by all the people of the State, that together we may have a sense that this land is not only our land, but Your land, of the people, for the people, and by the people. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson and Cope who were excused, and Mr. Chambers who was absent until 10:20 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-seventh Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 1, 1976, at 8:55 a.m., were the following bills: 65, 666, and 669.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 684. Replaced on Select File as amended.
E & R amendments to LB 684:

1. In committee amendments, page 1, line 16, insert "section" after "to" and a comma after "77-1736.04".
2. In committee amendments, page 2, line 21, insert a comma after "79-2626".
3. In line 3 of E & R 2 of 2/27, insert "the second" after "after".

LEGISLATIVE BILL 1004. Placed on Select File as amended.
E & R amendments to LB 1004:

1. In new section 38, line 1, insert a period after "38".
2. On page 21, line 23, strike ", 42, and 50," and insert "and 42,"; and after "1974" in line 25 insert ", and section 50, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, as amended by section 11, Legislative Bill 529, Eighty-fourth Legislature, First Session, 1975".
3. In the title, line 14, strike ", 42, and 50," and insert "and 42,"; and after "1974 in line 16 insert ", and section 50, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, as amended by section 11, Legislative Bill 529, Eighty-fourth Legislature, First Session, 1975".

LEGISLATIVE BILL 868. Placed on Select File as amended.
E & R amendment to LB 868:

1. In the title, line 2, insert "section 77-27,144, Reissue Revised Statutes of Nebraska, 1943, and" after "amend"; in line 6 strike "and" and insert "to provide for placement of the collection fee in the General Fund; to provide an operative date;"; and strike line 7 and insert "sections; and to declare an emergency.".

LEGISLATIVE BILL 869. Placed on Select File.

LEGISLATIVE BILL 903. Placed on Select File as amended.
E & R amendments to LB 903:

1. In committee amendments, page 1, line 14, strike the commas.
2. In committee amendments, page 3, line 20, strike the commas.
3. In committee amendments, page 6, line 11, strike the comma; and in line 12, strike the first comma.
4. In committee amendments, page 7, strike the comma in line 3 and the second comma in line 12 and show as stricken.
5. In committee amendments, page 9, lines 1 and 2, strike the comma; and in line 3 insert an underscored comma after "July"; and in line 22 strike "among" and insert "~~among~~ due".
6. In committee amendments, page 11, line 2, strike the commas.
7. In committee amendments, page 12, line 21, strike the commas.
8. In committee amendments, page 13, line 23, strike "the" and insert "any"; and strike "districts" and insert "district".
9. In committee amendments, page 14, lines 19 and 20, strike the commas.

LEGISLATIVE BILL 944. Placed on Select File.
LEGISLATIVE BILL 756. Placed on Select File.
LEGISLATIVE BILL 676. Placed on Select File.
LEGISLATIVE BILL 994. Placed on Select File.

LEGISLATIVE BILL 812. Placed on Select File as amended.
E & R amendments to LB 812:

1. On page 3, line 2, reinstate the period.
2. In the title, line 4, insert "; and to provide for use of the proceeds of sale" after "described".

LEGISLATIVE BILL 768. Placed on Select File as amended.
E & R amendments to LB 768:

1. Insert the Clark amendment at the end of line 8.
2. In the title, strike lines 3 to 5 and insert "provide for the going into effect of certain specific new telephone tariffs.".

LEGISLATIVE BILL 884. Placed on Select File as amended.
E & R amendments to LB 884:

1. On page 6, line 14, strike ", deletion,"; and in line 17, strike ", deleted,".

2. In committee amendments, page 2, line 15, insert a stricken period at the end of the stricken matter; and at the end of line 17 insert ", except the collection fee," at the end of line 17.

3. In the title, line 2, insert "relating to motor vehicles;" after "ACT"; in line 2 strike "section 60-305.09" and insert "sections 60-305.09 and 77-1241.09"; strike line 3 and insert "Supplement, 1975;"; in line 7 insert "to provide collection fees;" after the semicolon; and in line 8 strike "section" and insert "sections".

LEGISLATIVE BILL 971. Placed on Select File as amended.
E & R amendment to LB 971:

1. On page 2, line 4, strike ". The" and insert ", the".

LEGISLATIVE BILL 971A. Placed on Select File.

LEGISLATIVE BILL 795. Placed on Select File as amended.
E & R amendments to LB 795:

1. On page 2, line 1, strike "(1)"; in line 2, insert a comma after "law"; in line 5, strike "hereinafter provided" and insert "provided in sections 2 to 8 of this act"; and on pages 2 to 4, redesignate subsections (2) to (8) of section 1 as sections 2 to 8 respectively.

2. Renumber original sections 2 to 4 as sections 9 to 11.

3. On page 3, line 14, strike "above-prescribed" and after "period" insert "prescribed in section 3 of this act"; and in line 18 insert a comma after "shall".

4. On page 4, line 12, strike "2" and insert "9".

5. On page 5, line 8, strike "section 1" and insert "sections 1 to 8"; and in line 23 strike "section 1 or 2" and insert "sections 1 to 8 or section 9" and strike the comma.

LEGISLATIVE BILL 795A. Placed on Select File.
LEGISLATIVE BILL 763. Placed on Select File.

LEGISLATIVE BILL 786. Placed on Select File as amended.

E & R amendments to LB 786:

1. Strike original sections 1 and 2 and insert:

"Section 1. That section 77-202.03, Revised Statutes Supplement, 1974, be amended to read as follows:

77-202.03. (1) When real or tangible personal property, including motor vehicles, has been exempted from taxation as provided by sections 77-202.01 to 77-202.07, it shall continue to be exempted for period of four years from January 1 of the year following adoption of sections 77-202.01 to 77-202.07; Provided, that each owner of real or tangible personal property, including motor vehicles, so exempt shall file an affidavit with the county assessor by January 1 of each intervening year certifying that the use of each exempted real or tangible personal property, including motor vehicles, has not changed during the year. On or before the expiration of such exemption, a new application shall be filed on which the procedure shall be the same as provided for other applications under the provisions of sections 77-202.01 to 77-202.07, except that in the year 1976 such new application shall be filed on or before April 1, and the county assessor's recommendation to the county board of equalization shall be made on or before April 15. If any person, corporation, or organization shall seek tax exemption for any real or tangible personal property, including motor vehicles, in any intervening year, he or it shall apply on or before September 1 of any such intervening year as provided in section 77-202.01 and procedure thereon shall be the same as provided for other applications under the provisions of sections 77-202.01 to 77-202.07, except that for the intervening year the exempt use shall be determined as of the date of levy, and the exemption shall continue for the same period and under the same conditions as if it had been granted on an application which had been filed before January 1, 1964, if such application is filed before January 1, 1968, or as if it had been granted on an application which had been filed in accordance with the second sentence of this section, on or before the expiration of an exemption previously granted, if such application is filed on or after January 1, 1968; Provided, that the county assessor and the county board may cause such exemption to be reviewed in any year to determine whether the exemption should be continued and may do so even if the use of the property has not changed from when a previous exemption may have been granted, which review shall proceed as on an application under section 77-202.02.

(2) During the month of September of each year, the county board shall cause to be published in a paper of general circulation in the county a list of all real estate in the county exempt from taxation in that year pursuant to sections 77-202 to 77-202.07, except real estate owned by the state or its governmental subdivisions. Such list shall be grouped into categories as provided by the Tax Commissioner, which categories shall identify the type of ownership and such list shall identify the organization, the municipality, if any, in which the property is located, and the number of parcels of real estate exempted.

Sec. 2. That original section 77-202.03, Revised Statutes Supplement, 1974, is repealed.".

2. In the title, strike lines 2 and 3 and insert:

"FOR AN ACT to amend section 77-202.03, Revised Statutes Supplement, 1974, relating to"; and strike beginning with "to" in line 5 through the semicolon in line 7.

Correctly Engrossed

The following bills were correctly engrossed: LR 115, 743, 798, and 977.

Correctly Enrolled

The following bill was correctly enrolled: 998.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 998.

STANDING COMMITTEE REPORTS
Labor

LEGISLATIVE BILL 819. Placed on General File as amended.
Standing Committee amendments to LB 819:
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office.)

(Signed) Richard Maresh, Chairman

MOTION–Return LB 239 to Select File

Mr. Cavanaugh moved to return LB 239 to Select File for the specific amendment found in the Journal on page 1003 for the Fifty-first Day, First Session.

Mr. Barnett asked unanimous consent to bracket until Wednesday, March 3, 1976.

Mr. Kennedy objected.

Mr. Barnett moved to bracket until Wednesday, March 3, 1976. The motion lost with 16 ayes, 23 nays and 10 not voting.

The motion to return to Select File lost with 14 ayes, 21 nays and 14 not voting.

Mr. Cavanaugh moved to return to Select File for the following specific amendment:

Strike the enacting clause.

The motion lost with 13 ayes, 28 nays and 8 not voting.

FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 239.

A BILL FOR AN ACT relating to public welfare; to provide for granting subrogation rights to county divisions of public welfare and the Department of Public Welfare.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Burbach
Carsten
Clark
DeCamp
Duis
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
Luedtke
Mahoney
Maresh
Marsh
Mills
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stull
Swigart
Warner
Wiltse

Voting in the negative, 11:

Barnett
Bereuter
Cavanaugh
Dickinson
Dworak
Fitzgerald
Fowler
R. Lewis
Moylan
Stoney
Syas

Not voting, 7:

Anderson
Burrows
Chambers
Cope
George
F. Lewis
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 499. Mr. Savage moved to return to Select File for the following specific amendment:
Strike the enacting clause.

The motion prevailed with 27 ayes, 15 nays and 7 not voting.

LEGISLATIVE BILL 710. With Emergency.

A BILL FOR AN ACT to amend section 48-806, Reissue Revised Statutes of Nebraska, 1943, relating to the Court of Industrial Relations; to change judges' compensation as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Barnett
Bereuter
Burbach
Burrows
Cavanaugh
DeCamp
Duis
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Keyes
Koch
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Nichol
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Swigart
Syas
Wiltse

Voting in the negative, 11:

Carsten
Clark
Dickinson
Dworak
Kennedy
Kime
R. Lewis
Marvel
Rasmussen
Stull
Warner

Not voting, 4:

Anderson	Chambers	Cope	Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION–Hold LB 724

Mr. Duis asked unanimous consent to hold LB 724 in the possession of the Legislature until March 9, 1976. No objections. So ordered.

UNANIMOUS CONSENT–LB 339 Laid Over

Mr. Burbach asked unanimous consent to have LB 339 laid over until March 3, 1976. No objections. So ordered.

MOTION–Reconsider Action on LB 811

Mr. Dworak renewed his pending motion found in the Journal on page 802 for the Thirty-sixth Day to reconsider the Legislative action on the Burrows motion to place LB 811 on General File notwithstanding action of the Committee.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays and 18 not voting.

The Dworak motion to reconsider action prevailed with 25 ayes, 17 nays and 7 not voting.

On debate of the Burrows motion, Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion lost with 8 ayes, 15 nays and 26 not voting.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 15 nays and 16 not voting.

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee will hold an executive session in the West Lounge at 11:00 a.m.

UNANIMOUS CONSENT–Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 971 in the Journal. No objections. So ordered.

(1) On page 2, strike lines 2, 3, and 4; in line 5, strike "state" and insert:

"with an adequate health insurance program, all agencies, boards, and commissions".

ANNOUNCEMENT

Mr. Barnett announced the Miscellaneous Subjects Committee will hold an executive session Tuesday, March 2 at 12:00 p.m. in room 1019.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 964. Placed on General File as amended.
Standing Committee amendments to LB 964:

1. Strike original sections 1 to 4 and insert the following:

"Section 1. Subject to the provisions of sections 2 and 3 of this act, after the effective date of this act no insurer admitted to do business in this state shall cede reinsurance of more than ten per cent of any risk located in this state to an insurer or reinsurer that is not qualified within the meaning of this act. An insurer or reinsurer is qualified within the meaning of this act, if it is (1) admitted to do business in this state, or (2) not admitted to do business in the state, but meets the capital and surplus requirements of section 44-305, Reissue Revised Statutes of Nebraska, 1943; Provided, that qualified alien insurers or reinsurers not admitted to do business in this state shall maintain, in the United States, trust funds for their policyholders in an amount not less than five hundred thousand dollars; and provided further, that an unincorporated association of qualified alien individual insurers shall maintain, in the United States, trust funds for the benefit of their policyholders in an aggregate amount of not less than fifty million dollars, in lieu of the foregoing capital and surplus requirement.

Sec. 2. In the case of reinsurance contracts in force on the effective date of this act cessions contrary to the provisions of section 1 of this act shall be prohibited after January 1, 1977.

Sec. 3. An insurer admitted to do business in this state may cede reinsurance to one or more unqualified insurers or reinsurers upon verfication that such reinsurance is reasonably necessary to the conduct of its business and is not reasonably available from one or more qualified insurers or reinsurers.

Sec. 4. After notice and hearing in accordance with Chapter 84, article 9, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, any insurer admitted to do business in this state that is found guilty of knowingly violating any of the provisions of this act shall be punished by a fine of not more than one thousand dollars. An additional penalty of one hundred dollars per day shall be paid for each day such violation countinues.".

(Signed) J. R. Murphy, Chairman

RECESS

At 11:00 a.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Cope who was excused.

UNANIMOUS CONSENT–LB 811 Laid Over

Mr. Burrows asked unanimous consent to have LB 811 laid over temporarily. No objections. So ordered.

MOTION–Approve Governor Appointments

Mr. Savage moved the confirmation of the Governor appointments found in the Journal on page 842 for the Thirty-seventh Day and pages 804 - 806 for the Thirty-sixth Day in two record votes. No objections. So ordered.

Vote on Dr. James Thayer

Voting in the affirmative, 36:

Anderson Bereuter Burbach Burrows Carsten
Clark DeCamp Duis Dworak Fitzgerald

Fowler
George
Hasebroock
Johnson
Kennedy
Keyes
Kime
Koch
Kremer
Luedtke
Mahoney
Marsh
Marvel
Mills
Moylan
Murphy
Rasmussen
Rumery
Savage
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 13:

Barnett
Cavanaugh
Chambers
Cope
Dickinson
Goodrich
Kelly
F. Lewis
R. Lewis
Maresh
Nichol
Schmit
Simpson

The President declared the appointment of Dr. Thayer confirmed.

Voting in the affirmative, 34:

Anderson
Bereuter
Burbach
Burrows
Carsten
Clark
Duis
Fitzgerald
Fowler
George
Hasebroock
Johnson
Kennedy
Keyes
Kime
Kremer
F. Lewis
Luedtke
Mahoney
Marsh
Marvel
Moylan
Nichol
Rasmussen
Rumery
Savage
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 15:

Barnett
Cavanaugh
Chambers
Cope
DeCamp
Dickinson
Dworak
Goodrich
Kelly
Koch
R. Lewis
Maresh
Mills
Murphy
Schmit

The President declared the appointments of Messrs. Olsson, Thompson, Richardson, Fisk, Weber, Cox, Sampson, Cascio and Mes. Dames Harris, Abbott, and Sutherland confirmed.

SELECT FILE

LEGISLATIVE BILL 76. Mr. F. Lewis asked unanimous consent to bracket until March 25, 1976. No objections. So ordered.

LEGISLATIVE BILL 394. Mr. Murphy asked unanimous consent to bracket until March 25, 1976. No objections. So ordered.

STANDING COMMITTEE REPORT
Public Health

LEGISLATIVE BILL 909. Placed on General File as amended.
Standing committee amendments to LB 909:
(Amendments printed separate from the Journal and on file in the Clerk's office.)

ATTORNEY GENERAL'S OPINION

Opinion No. 187
March 1, 1976

Dear Senator Rasmussen:

You have asked for our opinion on LB 519 which in addition to creating the County Horse Racing Facility Bond Act, would amend sec. 2-1207, R.R.S. 1943. Section 2-1207, provides for the portion of the total wagers which those persons licensed to conduct horse racing in this state may receive. Section 5 of LB 519 would amend sec. 2-1207 to provide:

> "... As each race is run the licensee may deduct from the total sum wagered on all horses as first winners, respectively, (a) at thoroughbred race meets, fifteen per cent of the total, plus the odd cents of the redistribution over the next lower multiple of ten, or (b) at race meets other than thoroughbred race meets, not less than fifteen nor more than eighteen per cent of the total, plus the odd cents of the redistribution over the next lower multiple of ten, and the balance remaining on hand shall be paid out to the holders of certificates on the winning horse in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses in such race to run first. ..."

We are unable to locate any definition of the term "thoroughbred" in the Nebraska statutes and case law. Neither is such a definition to be found in the rules and regulations of the Nebraska State Racing Commission. However, this may not render the statute meaningless or void for vagueness since sec. 49-802(5), R.R.S. 1943, provides:

> "Words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning."

The term thoroughbred when used in the context of horse racing has a particular meaning as stated in Webster's New World Dictionary of the American Language, Second College Edition, which defines the term as:

> ". . . any of a breed of racehorses developed originally by crossing English mares with Arabian stallions."

We have ascertained that thoroughbred horses are required to be properly registered as such. In horse racing terminology, quarter horses, for example, are not considered to be thoroughbreds.

Section 5 of the bill creates two classes of race meets and provides for different amounts which the licensee may deduct from the total sum wagered. The Legislature, of course, may classify persons, places, objects and subjects but the classification must rest upon some reasonable basis in order to comply with Article III, Section 18 of the Constitution of Nebraska which prohibits special legislation. The court in City of Scottsbluff v. Tiemann, 185 Neb. 256, 175 N.W.2d 784 (1970), stated that there must be:

> ". . ., some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference. . . ." (Emphasis the court's).

Whether there exists a rational basis for the different treatment between thoroughbred race meets and other race meets (including quarter horse race meets) is a factual determination which should properly be made by the Legislature. The Legislature can determine whether there may be differences in types of facilities, numbers of spectators, considerations in wagering and other factors which could distinquish the two classes and afford a rational basis for the classification. If no such basis exists then section 5 of LB 519 could be held unconstitutional by the courts as special legislation or possibly even a denial of equal protection of the laws.

We have also examined sections 1 through 4 of LB 519 but find no constitutional deficiencies.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Steven C. Smith
Assistant Attorney General

SCS:smh
cc: Mr. Vincent Brown
Clerk of the Legislature

MOTION–Place LB 811 on General File

Mr. Burrows renewed his pending motion found in this day's Journal on page 853 to place LB 811 on General File notwithstanding the action of the committee.

Mr. Burrows requested a record vote.

Voting in the affirmative, 27:

Anderson
Barnett
Burrows
Carsten
Cavanaugh
Chambers
DeCamp
Dickinson
Fitzgerald
Fowler
George
Goodrich
Keyes
Koch
F. Lewis
Luedtke
Mahoney
Marsh
Marvel
Moylan
Rumery
Savage
Schmit
Simpson
Stoney
Swigart
Syas

Voting in the negative, 19:

Bereuter
Burbach
Clark
Duis
Dworak
Hasebroock
Kelly
Kennedy
Kime
Kremer
R. Lewis
Maresh
Mills
Murphy
Nichol
Skarda
Stull
Warner
Wiltse

Not voting, 3:

Cope
Johnson
Rasmussen

The motion to place LB 811 on General File lost with 27 ayes, 19 nays and 3 not voting.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 991. Placed on General File as amended.
Standing Committee amendments to LB 991:

1. On page 3 insert a new section as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, line 7 strike "and"; and in line 8 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 1000. Placed on General File.

(Signed) J. R. Murphy, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Wiltse asked unanimous consent to be excused Monday and Tuesday, March 8 and 9, 1976. No objections. So ordered.

MOTION—Reconsider Action on LB 503

Mr. F. Lewis renewed his pending motion found in the Journal on page 836 for the Thirty-seventh Day to reconsider action on LB 503 on Final Reading.

The motion prevailed with 30 ayes, 9 nays and 10 not voting.

UNANIMOUS CONSENT—Members Excused

Mr. Kennedy asked unanimous consent to be excused at 3:15 p.m. until he returns. No objections. So ordered.

Mr. Mahoney asked unanimous consent to be excused Tuesday, March 2, 1976 until he arrives. No objections. So ordered.

Mr. Rumery asked unanimous consent to be excused at 11:00 a.m., Thursday, March 4, 1976 through Friday, March 5, 1976. No objections. So ordered.

FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 503.

A BILL FOR AN ACT relating to education; to provide conditions under which students may be expelled or excluded from school; to provide procedures; to provide for hearings on the facts; to allow representation; to prescribe powers and duties; to provide for appeals; to provide for limits of expulsion or exclusion from school; and to repeal section 79-449, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Barnett
Chambers
George
Burbach
DeCamp
Hasebroock
Burrows
Duis
Johnson
Carsten
Fitzgerald
Keyes
Cavanaugh
Fowler
Koch

Kremer F. Lewis Luedtke Mahoney Marsh
Mills Moylan Nichol Rumery Savage
Schmit Simpson Stoney Stull Swigart
Syas Wiltse

Voting in the negative, 13:

Bereuter Clark Dickinson Dworak Goodrich
Kelly Kime R. Lewis Maresh Marvel
Rasmussen Skarda Warner

Not voting, 4:

Anderson Cope Kennedy Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT–Print in Journal

Mr. Schmit asked unanimous consent to print the following amendments to LB 763 in the Journal. No objections. So ordered.
(Amendments printed separate from the Journal and on file in the Clerk's office.)

GENERAL FILE

LEGISLATIVE BILL 167. Mr. F. Lewis asked unanimous consent to bracket. No objections. So ordered.

LEGISLATIVE BILL 451. Laid over.

LEGISLATIVE BILL 167. Mr. Chambers asked unanimous consent to unbracket.

Mr. Dickinson objected.

Mr. Chambers moved to unbracket LB 167.

Mr. Chambers asked for a Call of the House. The motion lost with 13 ayes, 17 nays and 19 not voting.

Mr. Chambers requested a roll call vote.

The Chambers motion to unbracket lost with 19 ayes, 24 nays and 6 not voting.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 898. Placed on General File.
LEGISLATIVE BILL 961. Placed on General File.
LEGISLATIVE BILL 986. Placed on General File.

(Signed) Gary L. Anderson, Chairman

GENERAL FILE

LEGISLATIVE BILL 752. Considered.

The F. Lewis amendments found in the Journal on page 807 for the Thirty-sixth Day were adopted with 29 ayes, 0 nays and 20 not voting.

Mr. F. Lewis offered the following amendment:
Add 14,000 General Funds to Agency No. 13 -- State Department of Education, Program No. 025 -- Departmental Administration and adjust the program and agency totals accordingly.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Murphy offered the following amendments:
(1) Add 8,170 General Funds to Agency No. 13 -- State Department of Education, Program No. 143 -- State Aid and School Food Services and Reserve Teacher Act and adjust the appropriate program and agency totals accordingly.
(2) Add a new section to read:
"There is included in the amount shown in Program 143, 8,170 General Funds to be paid to School District No. 1 in Dixon County, Ponca Public School, for reimbursement of claims submitted by Ponca School District to the State Department of Education under the provisions of section 79-445, Revised Statutes Supplement, 1974".

Mr. Murphy asked unanimous consent to withdraw his amendments. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

ANNOUNCEMENT

Mr. Marvel announced the Appropriations Committee will hold an executive session at 4:00 p.m. on Tuesday, March 2, 1976 in room 1003.

UNANIMOUS CONSENT—Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 167 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 167

Strike all language from LB 167 and insert the following in its place.

That section 77-2715, Revised Statutes Supplement, 1975, be amended to read as follows:

77-2715. (1) A tax is hereby imposed for each taxable year on the entire income of every resident individual of this state and on the income of every nonresident individual of this state which is derived from sources within this state. The tax shall be a flat percentage of, for each resident individual, the taxpayer's adjusted federal income tax liability for the taxable year, and for each nonresident individual, the taxpayer's adjusted federal income tax liability for the taxable year which is attributable to income derived from sources within this state.

The taxpayer's adjusted federal income tax liability shall be the amount of federal income tax, as determined under Subtitle A, Chapter I, subchapter A, Parts I, V, and VI of the Internal Revenue Code, for which the taxpayer would have been liable if such taxpayer had paid federal income tax based on federal taxable income as adjusted by the modifications provided in section 77-2716 without any allowance for credits against such tax permitted under the Internal Revenue Code.

The adjusted federal income tax liability of each nonresident individual taxpayer which is attributable to income derived from sources within this state shall be determined by multiplying his adjusted federal income tax liability by a fraction, the numerator of which is his taxable income derived from sources within this state as determined by section 77-2733, and the denominator of which is his total federal taxable income, after first subtracting from each the amounts provided in subsection (1) of section 77-2716; Provided, that if the above determination attributes more or less federal income tax than is reasonably attributable to income derived from sources within this state, the taxpayer may petition for, or the Tax Commissioner may require, the employment of any other method to attribute an amount of federal income tax which is reasonable and equitable in the circumstances.

(2) (a) A resident of this state shall mean an individual who is domiciled in Nebraska or who maintains a permanent place of abode in this state and spends in

the aggregate more than six months of the taxable year in this state; and

(b) A nonresident shall mean an individual who is not a resident of this state.

(3) (a) There shall also be allowed to resident individuals as a credit against the tax imposed by sections 77-2714 to 77-27,135, a food sales tax credit equal to ~~sixteen~~ eighteen dollars multiplied by the number of allowable personal exemptions claimed for individuals who are residents, exclusive of the extra exemptions allowable for age or blindness. A refund shall be allowed to the extent that the food sales tax credit exceeds the income tax payable by the resident individual for the taxable year but no refund shall be made in any amount less than two dollars.

(b) No individual who may be claimed as a personal exemption on another individual's return shall be entitled to a food sales tax credit or refund for himself. If a food sales tax credit or refund is claimed on more than one return for the same individual, the Tax Commissioner is authorized to determine the individual entitled to claim the credit or refund provided herein.

(c) Any individual, other than a person who for more than six months of the taxable year is a resident patient or inmate of a public institution or an organization exempt from tax as a charitable institution, who maintains a permanent place of abode within this state, spending in the aggregate more than six months of the taxable year within this state, shall be conclusively presumed to have paid or paid with respect to such personal exemptions retail sales and use taxes imposed by this state equal to the maximum food sales tax credit allowable.

(d) The credits or refunds for sales taxes allowed by this subsection shall be claimed on income tax returns or in the case of an individual not having tax liability in this state on such forms or claims for refunds as the Tax Commissioner shall prescribe.

(4) Credits to minors, including any child whose parent or guardian is a recipient of aid to dependent children, shall be claimed by the parent or guardian.".

2. On page 16, line 19, after "1974," insert "and section 77-2715, Revised Statutes Supplement, 1975,".

3. Renumber original sections 2 to 4 as sections 3 to 5, respectively.

4. In the title, line 3, after "1974," insert

"and section 77-2715, Revised Statutes Supplement, 1975,"; and in line 6 after the semicolon insert "to increase the food sales tax credit;".

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 741. Placed on General File as amended.
Standing Committee amendments to LB 741:

1. On page 2, strike lines 1 through 7 and insert the following:

"Section 1. As used in this act unless the context otherwise requires:

(1) Clinical psychology shall mean that branch of psychology concerned with the assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders;

(2) Clinical psychologist shall mean a licensed psychologist who is certified by the State Board of Examiners of Psychologists as qualified to practice clinical psychology;

(3) Clinical experience shall mean experience in assessment, diagnostic, and treatment skills, compatible with current standards accepted by the profession, in populations in which individuals are suffering from mental, emotional, and behavioral disorders; and

(4) Application to the board shall mean applying to the board on forms provided by the board, submitting materials to support his credentials, and attaching certification fee to the application."; and in line 17 strike "satisfactory to the board".

2. On page 3, line 9 strike "satisfactory to the board".

3. On page 4 strike lines 11 through 27 and on page 5 strike lines 1 and 2 and insert the following:

"Sec. 5. After July 1, 1977, no licensed psychologist shall represent himself as qualified to practice clinical psychology unless he has been certified by the board as so qualified. Any licensed psychologist who was engaged in the full-time practice of clinical psychology as of December 1, 1975 and and who has had two years of full-time clinical experience may apply not later than July 1, 1977, for certification without examination on the basis of his previous experience and licensure.".

4. On page 5, after line 19 insert the following:

"Sec. 7. That section 71-3823, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

71-3823. Any person who feels aggrieved by reason of the suspension or revocation of his license, the denial of certification, or of the reprimand may file suit within thirty days after receiving notice of the board's order in the district court of the county of his residence, to annul or vacate the order of the board. The suit shall be filed against the board as defendant, and service of process shall be upon either the chairman or the secretary of the board. The suit shall be tried by the court without a jury and shall be a trial de novo, but the burden of proof shall be upon the palintiff assailing the order of the board. The judgment of the district court may be appealed to the Supreme Court of Nebraska in the same manner as other civil cases.

Sec. 8. That section 71-3829, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3829. Any person who, after January 1, 1968, represents himself to be a psychologist or engages in the practice of psychology within this state without being licensed or exempted in accordance with the provisions of sections 71-3801 to 71-3831, or after July 1, 1977, represents himself as qualified to practice clinical psychology without being certified, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars, or be imprisoned in the county jail for not more than six months, or be both so fined and imprisoned. Each day of violation shall be a separate offense."; line 20 strike "section" and insert "sections"; after the comma insert "71-3823, and 71-3829,"; line 21 strike "is" and insert "are".

5. Renumber original sections 7 and 8 as sections 9 and 10, respectively.

LEGISLATIVE BILL 968. Placed on General File as amended.
Standing Committee amendments to LB 968:
(Amendments printed separate from the Journal and on file in the Clerk's office).

LEGISLATIVE BILL 974. Placed on General File.
LEGISLATIVE BILL 978. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

VISITORS

The President introduced 75 fourth grade students from Meadow Lane, Lincoln; and 8 foreign students and sponsors from the American Field Service Group.

ADJOURNMENT

At 4:28 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, March 2, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

THIRTY-NINTH DAY—MARCH 2, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 2, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, may the members of this legislature not become frustrated with decision making. Give to them a renewed sense of the meaning of life lest they grow shallow and empty.
>
> Guide us beyond self-interest, lest we lose all interest. Enable us to develop a maturity of life so we are not confined to the prison of our own interest, but have a vision of service for fulfilling the high mission which calls us to this place. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Keyes, Mahoney, Simpson, and Warner who were excused until they arrive; and Mr. F. Lewis who was absent until 9:25 a.m.

CORRECTIONS FOR THE JOURNAL

Page 857, line 3, insert "and Welfare" after "Health".
Page 857, line 8, insert "(Signed) Thomas C. Kennedy, Chairman".
The Journal for the Thirty-eighth Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

March 1, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 174.

This bill was signed by me on February 28, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

REPORT OF EMPLOYEES

During the month of February, 1976, there were 178 full and part-time employees being paid from Fund 1025, Program 121, Legislative Session Services. The total amount paid to these employees was $90,362.34, of which $340.12 was overtime. The figure includes the State's share of OASI and retirement and insurance contributions.

Detailed information is on file in the Accounting and Budgeting Office of the Legislative Council.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 239, 503, and 710.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 239, 503, and 710.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 2, 1976, at 8:55 a.m., was the following bill: 998.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 634. Placed on Select File as amended.
E & R amendments to LB 634:

1. On page 2, line 5, insert "into" after "enter".
2. In the title, insert "for" at the end of line 7.

LEGISLATIVE BILL 634A. Placed on Select File.

LEGISLATIVE BILL 782. Placed on Select File as amended.
E & R amendments to LB 782:

1. In lieu of the DeCamp amendment to section 2, on page 2 strike lines 6 to 14 and insert:

"Sec. 2. The governing body establishing a law enforcement reserve force shall adopt and publish a reserve force manual setting forth the minimum qualifications, training standards, and standard operating procedures for such force and such higher qualifications, standards, and operating procedures as may actually be used.".

2. In committee amendments, page 1, line 5, strike "a"; in line 6 strike "officer" and insert "officers"; and in line 15 strike the comma.
3. In lieu of the DeCamp amendment to section 6, on page 3, strike lines 11 to 15 as amended and insert:

"Sec. 6. (1) Law enforcement reserve officers shall be subordinate to regular force officers and when serving with regular force officers shall wear no insignia of rank. Each department for which a reserve force is established shall appoint a regular force officer as the reserve force coordinating and supervising officer. Such regular officer shall report directly to the sheriff or the chief of police.".

4. Renumber original section 9 as section 8, new sections 10 to 14 added by committee amendments as sections 9 to 13, and original sections 10 to 12 as sections 14 to 16.
5. In committee amendments, page 2, line 3, strike "10" and insert "9"; and strike line 9 and insert "hereby superceded.".
6. In committee amendments, page 5, line 11 insert a comma after "1943".
7. In the title, insert "for" at the end of line 4; in line 7 strike "section" and insert "sections 14-219, 15-314, 17-107, and"; in line 9 strike "section" and insert "sections 16-308 and"; and in line 11 insert ", and also section 84-806.01, Reissue Revised Statutes of Nebraska, 1943" after "sections".

LEGISLATIVE BILL 996. Placed on Select File.

LEGISLATIVE BILL 820. Placed on Select File as amended.
E & R amendment to LB 820:

1. In the title, strike beginning with "provide" in line 4 through the semicolon in line 8 and insert "redefine unfair trade practice; to provide for required proof;".

LEGISLATIVE BILL 825. Placed on Select File as amended.
E & R amendments to LB 825:

1. On page 5, insert an underscored comma after "Nebraska".
2. On page 6, line 27, insert an underscored comma after "transfers".
3. On page 7, line 14, strike "is" and insert "are".
4. In committee amendment 3, line 4, insert an underscored comma after "facility".

LEGISLATIVE BILL 692. Placed on Select File as amended.
E & R amendments to LB 692:

1. On page 8, line 2, strike "fees" and insert "applicable fee".
2. In the title, line 6, insert "to delete a requirement for approval;" after the semicolon.

LEGISLATIVE BILL 877. Placed on Select File as amended.
E & R amendments to LB 877:

1. On page 3, lines 16 and 17, insert "on," after "dependency"; and in line 18 strike the comma.
2. On page 5, line 21, strike "the Department of" and show as stricken.
3. On page 7, line 20, insert "appropriate" after "the".
4. On page 10, line 1, strike "is" and insert "shall be".
5. On page 11, insert an underscored comma after "may" in line 23 and "director" in line 27.
6. On page 12, line 5, strike the second comma.
7. On page 13, line 22, strike the comma; and in line 23 insert an underscored comma after "known".
8. On page 15, line 8, insert "also have authority to" after "shall"; at the end of line 12 insert "in proceedings before the board"; in line 13 as amended strike "of the board in this proceeding"; and in line 18 strike ", a" and insert ". A".

9. On page 16, line 8, strike "and".

10. On page 17, line 2, strike "and" and insert "which"; and in line 19 strike "this section" and insert "section 14 of this act".

11. On page 18, line 8, strike "such" and insert "his".

12. On page 20, line 7, strike the second comma.

13. On page 24, line 7, strike "or otherwise".

14. In the title, line 6, insert "refusal of renewal," after the comma; and in line 17 insert "to provide immunity; to provide for proof from foreign medical graduates;" after the semicolon.

LEGISLATIVE BILL 626. Placed on Select File as amended.
E & R amendment to LB 626:

1. Insert "Lincoln," after "in" on page 2, line 27, and strike the same on page 3, line 1.

LEGISLATIVE BILL 642. Placed on Select File as amended.
E & R amendment to LB 642:

1. In the title, line 7, insert "to delete reporting requirements;" after the semicolon; and in line 9 insert "pursuant to demand" after "issued".

LEGISLATIVE BILL 715. Placed on Select File as amended.
E & R amendments to LB 715:

1. In committee amendments, page 1, line 7, strike "hereinafter provided" and insert "provided in this section"; in line 16 strike "with" and insert "of"; in line 18 strike the first comma; and strike line 23 and insert "lation of such limitations shall be".

2. In committee amendments, page 2, line 17, strike "therefore" and insert "thereof"; and in line 20 strike "an" and insert "a".

LEGISLATIVE BILL 722. Placed on Select File as amended.
E & R amendment to LB 722:

1. In committee amendments, page 1, line 1, strike "after line 3".

LEGISLATIVE BILL 846. Placed on Select File.

LEGISLATIVE BILL 667. Placed on Select File as amended.
E & R amendment to LB 667:

1. On page 2, strike line 12 and insert "enterprises or for".

LEGISLATIVE BILL 670. Placed on Select File as amended.
E & R amendments to LB 670:

1. On page 2, line 8, insert "except that, in honor of the United States Bicentennial, four members may be so named in calendar year 1976" after "thereafter"; and strike lines 20 to 22.

2. In the title, strike line 5 and "commission;" in line 6 and insert "the naming of four individuals to the hall in 1976; to change a qualification;".

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 933. Placed on General File as amended.
Standing Committee amendments to LB 933:
1. Strike original Section 1 and 2 and insert:

"Section 1. That section 76-1503, Revised Statutes Supplement, 1975, be amended to read as follows:

76-1503. After August 24, 1975, each corporation which has acquired title to agricultural land or which has obtained any leasehold interest or any other greater interest less that fee in any agricultural land in this state shall, not later than January 1, 1976, and each year thereafter, except as provided in section 76-1504, file with the Secretary of State a report containing the following information:

(1) The name of the corporation and its place of incorporation;

(2) The address of the registered office of the corporation in this state, the name and address of its registered agent in this state, and in the case of a foreign corporation, the address of its principle office in its place of incorporation;

(3) The total acreage and location, listed by county, of all lots and parcels of land in this state owned or leased by the corporation and used for the growing of crops or the keeping or feeding of poultry or livestock;

(4) The approximate percentage of reported agricultural land which is rangeland, which shall mean land used predominantly for the grazing of livestock, and the approximate percentage of agricultural land which is cropland, which shall mean land used predominantly for the production of agricultural crops or fruit or other horticultural products;

~~(4)~~ (5) The names and addresses of the officers and members of the board of directors and of all shareholders owning ten percent or more of the stock of the corporation;

~~(5)~~ (6) The percentage of the members of the board of directors who are aliens;

~~(6)~~ (7) The name and address of each alien owning ten per cent or more of its voting stock;

~~(7)~~ (8) The names and addresses of the executive officers and managers of the corporation who are aliens;

~~(8)~~ (9) The name and address of each person residing on a farm or actively engaged in farming and owning ten per cent or more of its voting stock; and

~~(9)~~ (10) Any other information which the Secretary of State reasonably determines necessary to enforce the provisions of section 76-402 to 76-415.

Section 2. That section 76-1504, Revised Statutes Supplement, 1975, be amended to read as follows:

76-1504. The reporting requirements of sections 76-1501 to 76-1506 shall not apply to land owned or leased for farming or capable of being used for farming when such land is within the boundaries of any railroad, telephone, or utility operating right-of-way. Such reporting requirements shall be deemed met by any corporation which has either filed a report with the Secretary of State detailing only those changes which have occurred since their last previous filing, or has filed with the Secretary of State a written statement averring that no changes have occurred since their last previous filing.

Section 3. Within ninety days after the effective date of this act, and on or before February 20th of each year thereafter, the Secretary of State shall report to the Legislature a compilation of the information submitted pursuant to this act, and any other information he deems relevant to the intent and purpose of this act, as described in section 76-1501.

Section 4. That original sections 76-1503 and 76-1504, Revised Statutes Supplement, 1975, are repealed.".

LEGISLATIVE BILL 800. Indefinitely postponed.

(Signed) Loran Schmit, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 426.

A BILL FOR AN ACT to amend sections 75-134 and 75-139, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to change provisions relating to commission orders; to make provisions relating to rate increases as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Barnett	Bereuter	Burbach	Burrows	Carsten
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Kime	Koch
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Skarda	Stoney
Stull	Swigart	Syas	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Anderson	Cavanaugh	Chambers	George	Keyes
Kremer	F. Lewis	Mahoney	Simpson	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 519. Mr. Rasmussen moved to return LB 519 to Select File for the following specific amendment:

Strike the enacting clause.

The motion lost with 18 ayes, 24 nays and 7 not voting.

A BILL FOR AN ACT to adopt the County Horse Racing Facility Bond Act; to amend section 2-1207, Reissue Revised Statutes of Nebraska, 1943; to permit a variance in the amount to be paid out at certain race meets; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Anderson	Bereuter	Burbach	Carsten	Cavanaugh
Clark	Cope	DeCamp	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kime	Koch	R. Lewis	Marsh	Mills
Moylan	Murphy	Rumery	Savage	Schmit
Syas	Wiltse			

Voting in the negative, 15:

Barnett Dickinson Dworak Kelly Kennedy
Kremer Luedtke Maresh Marvel Nichol
Rasmussen Skarda Stoney Stull Swigart

Not voting, 7:

Burrows Chambers Keyes F. Lewis Mahoney
Simpson Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 652.

A BILL FOR AN ACT to amend sections 83-161 and 83-162, Reissue Revised Statutes of Nebraska, 1943, relating to state agencies; to change the membership on the Nebraska Commission on Alcoholism; to delete provisions for a per diem; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Clark DeCamp Duis
Dworak Fitzgerald Fowler George Goodrich
Hasebroock Johnson Kelly Kennedy Koch
R. Lewis Luedtke Maresh Marsh Mills
Moylan Murphy Nichol Rasmussen Rumery
Savage Schmit Stoney Stull Swigart
Syas Wiltse

Voting in the negative, 4:

Cope Kremer Marvel Skarda

Not voting, 8:

Chambers Dickinson Keyes Kime F. Lewis
Mahoney Simpson Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 682. With Emergency.

A BILL FOR AN ACT to make appropriations for the Legislative Council for the period of July 1, 1976, to June 30, 1977; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Kime	Koch	Kremer	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Chambers	Keyes	F. Lewis	Mahoney	Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 683. With Emergency.

A BILL FOR AN ACT to make an appropriation to provide for the payment of salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1976 to June 30, 1977; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope

DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kime
Koch
Kremer
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Wiltse

Voting in the negative, 0.

Not voting, 4:

Keyes
F. Lewis
Mahoney
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 721.

A BILL FOR AN ACT to amend section 54-118, 54-132, and 54-133, Reissue Revised Statutes of Nebraska, 1943, and sections 54-104, 54-104.01, 54-108, 54-110, and 54-131, Revised Statutes Supplement, 1975, relating to brands and marks; to increase fees; to change provisions relating to expired brands; to provide powers and duties of the Nebraska Brand Committee and the Brand Recorder as prescribed; to change provisions as to who may sign a bill of sale; to provide for retained brands and the use thereof; to change penalty provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Cope
DeCamp
Dickinson
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Kelly
Kennedy
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Mills
Moylan
Murphy
Nichol
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Wiltse

Voting in the negative, 3:

Clark
Duis
Rasmussen

Not voting, 6:

Barnett	Johnson	Keyes	Mahoney	Marvel
Warner				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION–Reconsider Action on LB 519

Mr. Mills moved to reconsider action on LB 519 on Final Reading.

Motion pending.

MOTION–Reconsider Action on LB 652

Mrs. Marsh moved to reconsider action on LB 652 on Final Reading.

The motion prevailed with 32 ayes, 3 nays and 14 not voting.

SELECT FILE

LEGISLATIVE BILL 499. The Savage specific amendment found in the Journal on page 852 for the Thirty-eighth Day to strike the enacting clause was renewed.

The amendment was adopted with 27 ayes, 13 nays and 9 not voting.

LB 499 stands indefinitely postponed.

LEGISLATIVE BILL 684. E & R amendments found in the Journal on page 846 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1004. E & R amendments found in the Journal on page 846 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 868. E & R amendment found in the Journal on page 846 for the Thirty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 869. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 903. E & R amendments found in the Journal on page 847 for the Thirty-eighth Day were adopted.

Mr. Clark renewed his pending amendments found in the Journal on page 811 for the Thirty-sixth Day.

The amendments were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Clark asked unanimous consent to withdraw his pending amendments found in the Journal on page 829 for the Thirty-seventh Day. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 944. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 756. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 676. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 994. Mr. Stoney offered the following amendment:
To amend LB 994 page 4 line 16 to reinstate the stricken word date and delete the underscored word year.

Amendment pending.

Mr. Stoney asked unanimous consent to have the bill bracketed. No objections. So ordered.

LEGISLATIVE BILL 812. E & R amendment found in the Journal on page 847 for the Thirty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 768. E & R amendments found in the Journal on page 847 for the Thirty-eighth Day were adopted.

Mr. Bereuter asked unanimous consent to withdraw his pending amendments found in the Journal on page 822 for the Thirty-seventh Day. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 884. E & R amendments found in the Journal on page 848 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 971. Mrs. Marsh renewed her pending amendment found in the Journal on page 853 for the Thirty-eighth Day. The amendment lost with 8 ayes, 23 nays and 18 not voting.

Mr. Bereuter requested a machine vote on advancing LB 971.

Advanced to E & R for Engrossment with 28 ayes, 7 nays and 14 not voting.

LEGISLATIVE BILL 971A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 795. E & R amendments found in the Journal on page 848 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 795A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 763. Mr. Schmit renewed his pending amendments referred to in the Journal on page 861 for the Thirty-eighth Day.

The amendments were adopted with 34 ayes, 2 nays and 13 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 786. E & R amendments found in the Journal on page 849 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print in Journal

Mr. DeCamp asked unanimous consent to print amendments to LB 797 in the Journal. No objections. So ordered.

AMENDMENT TO LB 797

1. On page 2 strike lines 24 to 27.

2. On page 3 strike line 1, in line 2 strike "office." and insert "to be determined by the Citizens Salary Control Committee."; in line 9 after the period insert

"The Citizens Salary Control Committee shall consist of the following members: (1) The Chief Justice and one other member of the Supreme Court, as agreed upon by a majority of the members of the Supreme Court, (2) the Governor, (3) the Secretary of State, (4) one responsible member or former member of the news media familiar with legislative duties, to be appointed by the Governor every two years, and (5) four registered voters selected at random by the Secretary of State from the voting lists, and who agree to serve. One voter shall be from each present congressional district, with one voter selected at large. The voters shall serve for a term of two years, and none of the registered voters shall be holders of any political office at the time selected. The committee shall review legislative salaries once every two years, beginning in December, 1976. The committee shall have complete authority and power to obtain information concerning salary levels. Legislative salaries shall be established and set by means of a majority vote of the members. Any attempt by any member of the Legislature to influence or control the actions of the committee either directly or indirectly shall be cause for removal from office."; strike lines 16, 17, and 18 and insert

"Constitutional amendment to provide for the creation of a Citizens Salary Control Committee to set legislative salaries.".

3. In the title strike lines 5 and 6 and insert "provide that a Citizens Salary Commitee shall set the salaries for members of the Legislature as prescribed; to".

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 426, LB 682, LB 683, and LB 721. I would have voted nay on LB 519.

(Signed) Jerome Warner

MOTION—Return LB 652 to Select File

Mrs. Marsh moved to return LB 652 to Select File for the following specific amendment:

Amendment to LB 652 Final Reading Copy

1. On page 2, line 9 strike "his" and insert "such commissioner's".
2. On page 3, line 6 strike "chairman" and insert "~~chairman~~ chairperson".

Motion pending.

RESOLUTION

LEGISLATIVE RESOLUTION 124.

Introduced by Duis, 39th District.

WHEREAS, the State of Nebraska has a substantial involvement in insurance programs in an effort to secure coverage in the event of casualty losses and its liability to others; and

WHEREAS, the scope of involvement in such programs as determined by premium costs and number of policies owned is difficult to ascertain; and

WHEREAS, mounting costs of insuring the state and its various representative agencies or individuals places an ever increasing burden on available financial resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE, OF NEBRASKA, SECOND SESSION:

1. That the Legislature's committee on Banking, Commerce and Insurance with the aid of the Nebraska Department of Insurance conduct an iterim study of all casualty loss and liability insurance programs in which the State of Nebraska is involved.
2. That such study shall include, but not be limited to, the determination of the exact coverage available to the state, the premium costs of the coverage, adequacy of coverage, and the number and amounts of claims made by and paid to the state.
3. That the Committee examine the feasibility of terminating presently existing insurance programs and establishing the State of Nebraska as a self insurer in the areas of liability and casualty loss.
4. That the Committee make a report of its findings, together with its recommendations for possible legislation to the next regular session of the Legislature.

Referred to Executive Board.

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 881. Placed on General File.

(Signed) Gary L. Anderson, Chairman

Revenue

LEGISLATIVE BILL 863. Placed on General File as amended.

Standing Committee amendments to LB 863:

1. Strike original sections 1 to 5 and insert the following:

"Section 1. That section 39-1315.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1315.01. No road or highway shall be removed from the state highway system until ~~a minimum of three years after~~ such road or highway has been improved ~~with a surface of concrete, asphalt, or material of similar quality, covering at least two traffic lanes, and then only after a~~ determination that traffic along ~~such road or highway is insufficient to justify retention of it~~ as part of the state highway system to a standard that is consistent with criteria developed by the Board of Public Roads Classification and Standards for the functional classifications outlined in section 39-2103. The provisions of this section shall not be construed to apply to the relocation of a road or highway pursuant to subsection (2) of section 39-1309.

Section 2. That section 66-410, Revised Statutes Supplement, 1974, be amended to read as follows:

66-410. At the time of filing the statement, required by section 66-409, such dealer shall, in addition to the other taxes provided for by law, pay a tax of ~~eight~~ nine and one half cents per gallon upon all motor vehicle fuels as shown by such statement; Provided, that effective January 1, 1973, gasoline sold in Nebraska which contains a minimum of ten per cent blend of an agricultural ethyl alcohol of at least one hundred ninety proof shall be subject to a state motor fuel tax which is three cents per gallon less than gasoline which does not contain such a blend. When the sale in Nebraska of gasoline containing such a blend exceeds ten million gallons per year, an adjustment in the tax may be considered by the Legislature. Such dealers shall remit such tax to the Tax Commissioner.

Sec. 3. That section 66-428, Revised Statutes Supplement, 1974, be amended to read as follows:

66-428. There is hereby levied and imposed an excise tax of ~~eight~~ nine and one half cents per gallon upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under the provisions of section 66-410 or Chapter 66, article 6; Provided, that such excise tax after ~~January~~ August 1, ~~1973~~ 1976, shall be ~~five~~ six and one half cents per gallon on motor fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol of at least one hundred ninety proof, and ~~eight~~ nine and one half cents per gallon on gasoline which does not contain such a blend. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.

Sec. 4. That section 66-605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-605. There is hereby levied and imposed an excise tax of ~~eight~~ nine and one half cents per gallon on the use, within the meaning of the word use as defined in subdivision (5) of section 66-602, of special fuel in any motor vehicle as defined in subdivision (7) of section 66-602. The tax, with respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles in this state, shall attach at the time of such delivery and shall be collected by such dealer and be paid over to the motor fuel tax administrator as provided by sections 66-601 to 66-640.

Sec. 5. This act shall become operative on August 1, 1976.

Sec. 6. That original sections 39-1315.01 and 66-605, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410 and 66-428, Revised Statutes Supplement, 1974, are repealed.".

2. In the title strike lines 2 to 7 and insert:

"FOR AN ACT to amend sections 39-1315.01 and 66-605, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410 and 66-428, Revised Statutes Supplement, 1974, relating motor vehicle and special fuel taxes; to increase the rate of tax as prescribed; to require standards for highway classifications; to provide an operative date; and to repeal the original sections.".

(Signed) Calvin F. Carsten, Chairman

ANNOUNCEMENT

Mr. Kennedy announced an executive session of the Public Health and Welfare Committee at 1:00 p.m. today under the north balcony.

UNANIMOUS CONSENT—Print in Journal

Mr. F. Lewis asked unanimous consent to print the following amendment to LB 861 in the Journal. No objections. So ordered.

Amendments are to the Lewis amendment adopted February 27, 1976 as it appears in the Journal on page 832.

1. In line 1, strike "increase in fees" and insert "revenue from the habitat stamp"; and strike "bill" and insert "act".

2. In line 4, insert "and Parks" after "Game"; strike beginning with "complete" in line 4 through the period in line 5 and insert "habitat plan to the appropriations committee of the Legislature for its approval".

Mr. Koch asked unanimous consent to print the following amendments to LB 631 in the Journal. No objections. So ordered. (A)

1. On page 4, line 25, strike "fifteen million" and insert "seventeen million five hundred thousand".

2. On page 5, line 2 strike "seventy" and insert "seventy-two".

(B)

1. On page 7 insert a new section to read as follows:

"Sec. 9. (1) If a school district, as a result of any state or federal court order, is required to make expenditures, the school district shall receive financial assistance from the state for all capital outlay costs pertaining to compliance with such court order. If a financial emergency occurs as a result of court directives to a school district designed to achieve racial desegregation in the schools, the state shall provide financial assistance only for those capital outlay costs pertaining to transportation necessitated by compliance with the court order. The amount of assistance to be provided by the state shall be set at a level to be established by the Legislature according to an estimate of the expenses to be incurred by the school district to meet the requirements of the court order. Payment, as authorized by the Legislature, shall be made by the State Department of Education and shall be included and distributed in total to the school district as a portion of the first payment distributed to the school district from the School Foundation and Equalization Fund and such emergency financial assistance shall be included as a first priority under section 79-1343 for money available from the School Foundation and Equalization Fund. In no case, shall the state pay the total of the emergency costs required as a result of any court ordered activity. Actual expenses shall be verified by the State Department of Education.

(2) In accordance with the provision

of subsection (1) of this section, an emergency allocation of two million five hundred thousand dollars is authorized by the Legislature for distribution to School District No. 1 of Douglas County, Omaha, Nebraska, to assist the district in its efforts to meet the student reassignment mandates of the federal court system.".

2. Renumber original section 9 as section 10.

UNANIMOUS CONSENT—Print in Journal

Mr. F. Lewis asked unanimous consent to print the following amendment to LB 631 in the Journal. No objections. So ordered.

79-1338. From the sum calculated pursuant to section 79-1336, each district shall subtract operating funds obtained from (1) the ~~State of Nebraska~~ total amount calculated under section 79-1334, (2) the qualifying levy prescribed in section 79-1335: Provided, operating funds received from that portion of the local tax levy which exceeds the minimum prescribed in section 79-1335 shall be excluded from this computation, (3) tuition, (4) fines, (5) license fees, (6) transportation reiubursements, (7) the Insurance Tax Fund, (8) funds received under the provisions of Chapter 79, article 13, and (9) funds received under the provisions of section 79-4,119.

UNANIMOUS CONSENT—Members Excused

Mr. R. Lewis asked unanimous consent to be excused from 10:00 a.m. until noon, tomorrow, March 3, 1976. No objections. So ordered.

Mr. Barnett asked unanimous consent to be excused until noon. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 917. Title read. Considered.

Standing Committee amendments found in the Journal on page 802 for the Thirty-sixth Day and the remainder printed separate from the Journal were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Murphy offered the following amendment:

Section 14, page 13, line 9 of the amended bill – by striking the words "authority or".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 665. Considered.

Mr. Swigart offered the following amendment:

That the new member be elected at the next primary or regular election following the enactment of this bill.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 4 nays and 24 not voting.

Mr. Swigart moved for a Call of the House. The motion prevailed with 17 ayes, 7 nays and 25 not voting.

The Call showed 43 members present.

Mr. Swigart requested a roll call vote.

Voting in the affirmative, 19:

Burbach	Chambers	Clark	Cope	Dickinson
Dworak	Fitzgerald	Goodrich	Kelly	Kime
Koch	R. Lewis	Maresh	Marsh	Moylan
Nichol	Stoney	Swigart	Warner	

Voting in the negative, 17:

Anderson	Bereuter	Burrows	Carsten	Duis
Fowler	Hasebroock	Kennedy	F. Lewis	Mahoney
Murphy	Rasmussen	Rumery	Schmit	Skarda
Stull	Syas			

Not voting, 13:

Barnett	Cavanaugh	DeCamp	George	Johnson
Keyes	Kremer	Luedtke	Marvel	Mills
Savage	Simpson	Wiltse		

The Swigart amendment lost with 19 ayes, 17 nays and 13 not voting.

Speaker Burbach moved the Call be raised. The motion prevailed.

Mr. Koch moved to indefinitely postpone. Motion pending.

UNANIMOUS CONSENT—LB 703

Mr. Cavanaugh asked unanimous consent that the unadopted committee amendments to LB 703 be integrated into the bill and that a "white copy" be printed. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 752. Placed on Select File as amended.
E & R amendments to LB 752:

1. In the Lewis amendment to page 7, after "and" in line 1 and the second "and" in line 2 insert "show as stricken and".
2. In lieu of the Lewis amendment to Program No. 025, on page 4, line 24, strike "532,929" and insert "~~532,929~~ 546,929"; and on page 5, line 1, strike "1,131,746" and insert "~~1,131,746~~ 1,145,746".
3. In lieu of previous amendments thereto, on page 14, line 9, strike "70,307,807" and insert "70,860,647"; and in line 14 strike "108,670,411" and insert "109,223,251".

(Signed) Donald N. Dworak, Chairman

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

March 2, 1976

The Committee on Committees will meet at 12:00, noon, Friday, March 19, 1976, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing the appointments and reappointments by Governor J. J. Exon as follows:

Mrs. Marian Andersen – Nebraska Arts Council

Richard Dugdale – Environmental Control Council

J. R. McBride
Board of Public Roads Classifications and Standards

March 2, 1976

The Committee on Committees will meet at 12:00, noon, Wednesday, March 10, 1976, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing the reappointments by Governor J. J. Exon as follows:

Mrs. Robert Matz
Institutions and Corrections Advisory Committee

John Humpal
Public Welfare, Institutions and Corrections Advisory Committee

(Signed) John S. Savage, Chairman

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 934. Placed on General File as amended.
Standing Committee amendments to LB 934:

1. On page 4, strike lines 23 through 27.
2. On page 5, strike line 1.
3. Renumber original section 7 as section 6.

(Signed) Dennis L. Rasmussen, Chairman

Public Health and Welfare

LEGISLATIVE BILL 694. Placed on General File as amended.
Standing Committee amendments to LB 694:

1. On page 2, line 19 after "parent" insert ", next of kin,"; in line 20 strike "may obtain" and insert "shall be provided any and all due process procedures and rights including"; in line 23 after "held" insert ", prior to the discharge or transfer of any such person,"; in lines 24 and 26 after "parent" insert ", next of kin,"; and in line 24 strike "the" and insert "any".
2. On page 3 strike line 1 and insert "section 83-109.".

LEGISLATIVE BILL 1003. Placed on General File as amended.
Standing Committee amendment to LB 1003:

1. On page 3, line 19 after "or" strike "such" and insert "upon standing orders of such a physician and transmitted by a".

(Signed) Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT–Expedite LB 763

Mr. Schmit asked unanimous consent to expedite LB 763. No objections. So ordered.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 938. Indefinitely postponed.

(Signed) J. R. Murphy, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. Marvel asked unanimous consent to be excused until 2:00 p.m. No objections. So ordered.

VISITORS

The President introduced 42 students and teachers from Weeping Water; and 60 fourth grade students and teachers from Prairie Lane and Oakdale, Omaha.

RECESS

At 12:01 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Burbach presiding.

ROLL CALL

The roll was called and all members were present except Mr. Marvel who was excused until 2:00 p.m.; Mr. Mills who was excused until he arrives; Mr. DeCamp who was absent until 2:25 p.m.; Mr. Schmit absent until 2:30 p.m.

UNANIMOUS CONSENT–Print in Journal

Mr. Rasmussen asked unanimous consent to print the following amendments to LB 861 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 861

1. On page 7, line 14, strike "six" and insert "five"; strike "and fifty cents" and show as stricken; in line 15, strike "seven" and insert "five"; and strike "and fifty cents"; in line 16, strike "thirteen" and insert "ten"; and strike "and fifty cents"; in line 17 strike "seven" and insert "four"; and reinstate the stricken "and fifty cents".
2. On page 8, line 14, strike "thirty" and insert "forty"; in line 15, strike "seven dollars and" and insert "ten dollars", and in line 16, strike "fifty cents"; and in line 19, strike "twenty" and insert "twenty-five".
3. On page 14, line 16, strike "seven" and insert "five"; and in line 17, strike "and fifty cents".
4. On page 15, line 23, strike "twenty" and insert "fifty".

GENERAL FILE

LEGISLATIVE BILL 665. Mr. Koch renewed his pending motion found in this day's Journal to indefinitely postpone.

Mr. Stoney mcved the previous question. The question is, "Shall the debate now close?"

The motion prevailed with 26 ayes, 9 nays and 14 not voting.

The Koch motion to indefinitely postpone lost with 15 ayes, 23 nays and 11 not voting.

PRESIDENT WHELAN PRESIDING

Advanced to E & R for Review with 25 ayes, 12 nays and 12 not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 623. Placed on General File as amended.
Standing Committee amendments to LB 623:
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office.)

(Signed) Roland A. Luedtke, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Warner asked unanimous consent to print the following amendments to LB 823 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 823

1. Insert a new section to read:

"Sec. 2. That section 39-6,185, Revised Statutes Supplement, 1974, be amended to read as follows:

39-6,185. When any motor vehicle, motor truck, truck-tractor, or trailer is operated upon the public highways of this state carrying a load in excess of the maximum weight permitted by section 39-6,180 or the maximum tolerance permitted in subdivision (1) or (2) of section 39-6,182, the load shall be reduced or shifted to within such maximum tolerance before being permitted to operate on any public highway of this state; Provided, that if any truck, truck-tractor, semitrailer or trailer exceeds the maximum load, or load with tolerance as provided in section 39-6,182, on only one axle, or on only one group of axles where the distance between the first and last axle of such group of axles is twelve feet or less, and said excess axle load is no more than ten five per cent in excess of the maximum load for such axles or group of axles permitted by section 39-6,180, while the vehicle or combination of vehicles is within the maximum gross load, or maximum gross load with tolerance as provided in section 39-6,182, and the load on such vehicle is such that it can be shifted so that all axles or groups of axles are within the maximum permissible limit, or maximum permissible limit with tolerance, for such axle or group of axles, such shift may be made without penalty; ~~such shift shall be made at the first open state or open commercial scale reached and capable of weighing such vehicle on its intended route; the vehicle may travel from its point of origin to such scale, without penalty, and a scale~~ ticket from said ~~scale, showing the vehicle to be properly loaded and within the gross and axle weights, with tolerance where applicable, permitted by sections 39-6,180 and 39-6,182, shall be reasonable evidence of compliance with the mandate of said statutes;~~ provided further, that any truck, truck-tractor, semitrailer, or trailer, carrying only a load of livestock, may exceed the maximum load, or load with tolerance on only one axle, or on only one group of axles when the distance between the first and last axle of said group of axles is six feet or less, if the excess load on said axle or on said group of axles is caused by a shifting of the weight of the livestock by said livestock, and if the vehicle or combination of vehicles is within the maximum gross load, or maximum gross load with tolerance; and provided further, that any truck, truck-tractor, semitrailer, or trailer carrying any kind of a load, including livestock, which exceeds the legal maximum gross load by five per cent or less may proceed on its itinerary and unload the cargo carried thereon to the maximum legal gross weight at the first unloading facility on the itinerary where the cargo can be properly protected. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator. Nothing herein contained shall be construed to permit to be operated, on the National System of Interstate and Defense Highways, any vehicle or combination of vehicles which exceeds any of the weight limitations applicable to such system, as contained in section 39-6,180, with the tolerance permitted in section 39-6,182.

If the maximum legal gross weight or axle weight of any vehicle is exceeded by five per cent or less and the arresting officer has reason to believe that such excessive weight is caused by snow, ice, or rain he may issue a warning citation to the operator.".

2. Renumber original sections 2 to 4 as sections 3 to 5.

3. On page 4, line 27, strike "section 39-6,184" and insert "sections 39-6,184 and 39-6,185".

Mr. Barnett asked unanimous consent to print the following amendment to LB 464 in the Journal. No objections. So ordered.

AMENDMENT TO L.B. 464

1. Amend the Chambers amendment found in the journal on page 783 for the 35th day by striking the period on line 11, and putting in place thereof ";" and adding "provided, that any municipal corporation may furhter restrict or prohibit the conducting of lotteries, raffles, and gift enterprises, or the solicitation of participants or contestants in lotteries, or raffles and gift enterprises, within the corporate boundaries of such municipality, to the extent not otherwise conflicting withstate law, by ordinance of the governing body".

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 680. Indefinitely postponed.
LEGISLATIVE BILL 973. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

GENERAL FILE

LEGISLATIVE BILL 761. Title read. Considered.

Standing Committee amendments found in the Journal on page 619 for the Twenty-fifth Day were considered.

Mr. Bereuter offered the following amendment to the Standing Committee amendments:

That the Committee Amendments be amended by deleting the phrase "and is hereby encouraged to" in the third line of Section 4 of the Committtee amendments.

The amendment was adopted with 23 ayes, 0 nays and 26 not voting.

Standing Committee amendments were adopted, as amended, with 28 ayes, 0 nays and 21 not voting.

Mr. Dworak requested the bill be read section by section.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 763.

(Signed) Donald N. Dworak, Chairman

ANNOUNCEMENT

Mr. Schmit announced an executive session of the Agriculture and Environment Committee at 8:00 a.m. on March 3, 1976, under the north balcony.

UNANIMOUS CONSENT–Print in Journal

Mr. Burrows asked unanimous consent to print the following amendments to LB 761 in the Journal. No objections. So ordered.

To amend L.B. 761 on page 6, lines 19 and 20 strike in his custody or control on page 7, lines 15 and 16 strike in his custody or control on page 6, line 23 after semicolon insert: No transportation payments may be made for mileage not actually traveled by a parent or guardian;

On page 7, line 19 after semicolon insert No transportation payments may be made for mileage not actually traveled by a parent or guardian;

ADJOURNMENT

At 3:59 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Wednesday, March 3, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

FORTIETH DAY–MARCH 3, 1976

FORTIETH DAY—MARCH 3, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 3, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m, President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> For one moment at least, O Lord our God, we would close our eyes to journals and letters and bills, and open our hearts to the spiritual inspiration of Ash Wednesday. . .start of the season of reflection, of rededication, of inner renewal for most of us in this House, and for most of those we represent.
>
> Do not permit us, in our concentration on legislative details before us, to deny ourselves the intended blessing of this day, and of this season of Lent.
>
> Remind us just now of that One who came to earth 2,000 years ago as Your representative on earth. May this season in which we devote special reverence to Him become a blessing to each member of this House. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Hasebroock and Mills who were excused; and Mr. F. Lewis who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-ninth Day was approved.

ANNOUNCEMENT

Mr. Maresh announced an executive session of the Labor Committee, March 5, 1976, at 8:30 a.m. in room 2102.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 868. Replaced on Select File as amended.
E & R amendment to LB 868:

1. In the title, line 4, strike "Tax Commissioner" and insert "State Treasurer".

LEGISLATIVE BILL 1004. Replaced on Select File as amended.
E & R amendments to LB 1004:

1. Renumber section 38 added by the Marvel amendment as section 37 and original section 37 as section 38.
2. On page 16, line 9, strike "Facility".
3. On page 21, line 23, strike the first "and".
4. In the title, line 5, strike "1975" and insert "1974"; and in line 13 strike "and".

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 450. Indefinitely postponed.
LEGISLATIVE BILL 735. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT—Withdraw Amendments to LB 861

Mr. Rasmussen asked unanimous consent to withdraw his amendments to LB 861 found in the Journal on page 891 for the Thirty-ninth Day. No objections. So ordered.

UNANIMOUS CONSENT—Hold LB 519

Mr. Rasmussen asked unanimous consent to hold LB 519 before the Legislature until the Mills motion to reconsider is disposed of. No objections. So ordered.

FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 339.

A BILL FOR AN ACT relating to taxation; to authorize counties to impose a sales tax on lodging; to provide definitions; to provide for the collection of such tax; to prescribe the use of the proceeds; to provide for a convention and visitor committee; to provide procedures; and to provide penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with the question is, 'Shall the bill pass?' "

Voting in the affirmative, 21:

Anderson
Carsten
Cope
Dickinson
Duis
George
Goodrich
Johnson
Keyes
Kremer
R. Lewis
Luedtke
Mahoney
Moylan
Rumery
Savage
Skarda
Stoney
Stull
Swigart
Syas

Voting in the negative, 25:

Barnett
Bereuter
Burbach
Burrows
Cavanaugh
Chambers
Clark
DeCamp
Dworak
Fitzgerald
Fowler
Kelly
Kennedy
Kime
Koch
Maresh
Marsh
Marvel
Murphy
Nichol
Rasmussen
Schmit
Simpson
Warner
Wiltse

Not voting, 3:

Hasebroock
F. Lewis
Mills

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

POINT OF PERSONAL PRIVILEGE

Mr. Chambers requested a point of personal privilege regarding staff travel.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 3, 1976, at 9:05 a.m., were the following bills: 239, 503, and 710.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 756, 869, and 944.

Correctly Enrolled

The following bills were correctly enrolled: 426, 519, 682, 683, and 721.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 426, 519, 682, 683, and 721.

ATTORNEY GENERAL'S OPINION

Opinion No. 188
March 1, 1976

Re: LB 694

Dear Senator Cavanaugh:

This is in reply to your inquiry on the above bill and our previous opinion to Senator Kennedy concerning possible conflicts in hearing procedures set forth in the Concent (sic) Decree of the Federal District Court and LB 694.

At the outset we should note that Senator Kennedy's request letter referred not only to LB 694 but to some proposed committee amendments. The version of LB 694 which we now have and to which we will refer has no amendments.

The Agreement and Decree provide by paragraph 19 in substance as follows:

1. Each member of the class shall have an annual evaluation to ascertain whether each is properly classified as mentally retarded and whether continued participation in state operated mental retardation services is in the best interest of each.
2. If the parent or legal guardian objects to any of the above findings (those set forth in paragraph 19) a due process hearing shall be held.

Paragraph number 21 sets forth what the due process hearing shall include:

1. Clear notice of at least two weeks to the mentally retarded person and his parent or guardian.
2. Appointment of competent counsel to represent the mentally retarded person.
3. The presence of the mentally retarded person.
4. The presentation of clinical evidence.
5. The opportunity to cross-examine all witnesses and present evidence.
6. Findings in writing on the basis of clear and convincing evidence.

7. The right of appropriate judicial review upon entry of a final order.

You first ask if there is a direct conflict between the hearing procedures set out in LB 694 and the hearing procedures required by the Consent Decree?

The provisions of LB 694 provide in substance that when the director determines that continued residence in a residential facility is no longer of benefit to a mentally retarded person that the parent or legal guardian may obtain a hearing before the department by filing a written request for a hearing with the director. The parent or legal guardian may appeal under the Administrative Procedures Act.

LB 694 does not specifically provide for the two week notice, the appointment of counsel, the presence of the mentally retarded person ext., which the Agreement provides as set forth above. However, LB 694 does not say that these things cannot be done and therefore there is no direct conflict upon the face of the Agreement and LB 694 as to the hearing procedures. In addition under the Agreement the hearing could be held before the Department but is not required as in LB 694. As you can see, there could easily be a direct conflict in the actual carrying out of the hearing procedures since LB 694 is quite general and the Agreement has more specific requirements.

You next ask that in the event of such conflict, would the procedure established by the Legislature or the procedure established by the Consent Decree prevail. Again, you are referring to a direct conflict in the two documents and there is no such direct conflict.

In the event of a conflict in practice, it is our opinion that the Federal District Court would have the authority to make the ultimate decision since that court has assumed jurisdiction under its determination that the provisions required by the Agreement and the Consent Decree are required by or consistent with rights granted by the United State Constitution which at this point in the proceedings would prevail over a state statutes.

With this explanation the precise answers to your two questions are:

1. No.
2. Not applicable.

If we can be of further assistance to you in this or other matters, please contact us.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ss
cc: Mr. Vincent Brown
Clerk of the Legisalture

SELECT FILE

LEGISLATIVE BILL 634. E & R amendments found in the Journal on page 870 for the Thirty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 634A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 782. E & R amendments found in the Journal on page 870 for the Thirty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 996. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 820. E & R amendment found in the Journal on page 871 for the Thirty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 825. E & R amendments found in the Journal on page 871 for the Thirty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 692. E & R amendments found in the Journal on page 871 for the Thirty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 877. E & R amendments found in the Journal on page 871 for the Thirty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 626. E & R amendment found in the Journal on page 872 for the Thirty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 642. E & R amendment found in the Journal on page 872 for the Thirty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 715. E & R amendments found in the Journal on page 872 for the Thirty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 722. E & R amendment found in the Journal on page 872 for the Thirty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 846. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 667. E & R amendment found in the Journal on page 872 for the Thirty-ninth Day was adopted.

Mr. Fowler moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 670. E & R amendments found in the Journal on page 873 for the Thirty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 752. E & R amendments found in the Journal on page 889 for the Thirty-ninth Day were adopted.

The Murphy amendments found in the Journal on page 862 for the Thirty-eighth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Member Excused

Mr. Dworak asked unanimous consent to be excused at 10:30 a.m. until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 123. Read. Considered.

LR 123 was adopted with 27 ayes, 0 nays and 22 not voting.

FINAL READING

LEGISLATIVE BILL 652. Mrs. Marsh renewed her pending motion to return to Select File for the specific amendment found in the Journal on page 882 for the Thirty-ninth Day.

The motion prevailed with 27 ayes, 2 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 652. The Marsh specific amendment found in the Journal on page 882 for the Thirty-ninth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 761. The Burrows amendments found in the Journal on page 895 for the Thirty-ninth Day were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Rasmussen offered the following amendment:
Strike paragraph 3 Lines 16 through 24 page 19

The amendment lost with 13 ayes, 13 nays and 23 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 761A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 632. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 631 in the Journal. No objections. So ordered.
(Amendments printed separate from the Journal and on file in the Clerk's Office. Req. No. 2691).

ANNOUNCEMENT

Mr. Marvel announced an executive session of the Appropriations Committee at 4:00 p.m., Wednesday, March 3, 1976 and 12:00 noon, Thursday, March 4, 1976 in room 1003.

GENERAL FILE

LEGISLATIVE BILL 861. Title read. Considered.

Mr. F. Lewis renewed his pending amendments found in the Journal on page 885 for the Thirty-ninth Day.

The amendments were adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Maresh offered the following amendment:

AMENDMENT TO LB 861

1. On page 19, line 1 after "acquisition" insert "on a willing buyer willing seller basis".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 3 nays and 21 not voting.

LEGISLATIVE BILL 834. Title read. Considered.

Standing Committee amendments found in the Journal on page 752 for the Thirty-third Day lost with 10 ayes, 20 nays and 19 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Koch asked unanimous consent to print the following amendments to LB 665 in the Journal. No objections. So ordered.

AMENDMENT TO LB 665

1. On page 2, strike lines 16 through 18 and through the underscored period in line 19, and insert "After the effective date of this act, the board shall be increased to seven members by the election of an additional member to serve for a term of six years. Such member shall be elected at the general election to be held in November, 1976, in accordance with the provisions of this section, and shall assume the duties of his office on the first Tuesday after the first Monday in January, 1977.".
2. On page 3, strike lines 11 and 12.
3. Renumber original section 3 as section 2.

VISITORS

The President introduced 52 fourth grade students and teachers from Oakdale School, Omaha; 25 eleventh and twelfth grade students and teacher from Raymond Central High School, Raymond; 13 seventh, eighth, and ninth grade students from Millard Lefler Jr. High, Lincoln; Momodu Munu, Clerk of the Parliament in Sierra Leone and his escort, Maurice Raiford; Dr. and Mrs. Dwayne Peetz, Neligh; Mr. and Mrs. Walter L. Kreger, parents of Brian Kreger, Assistant Revisor of Statutes, Hemlock, Michigan; Dr. R. R. Anderson, Nehawka; Adam Roznoch from Warsaw, Poland.

RECESS

At 11:57 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hasebroock, Mills, and Marvel who were excused, and Mr. Clark who was absent.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 676, 684, 768, 812, 884, 971 and 971A.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 834. Mr. Kime moved to indefinitely postpone.

SPEAKER BURBACH PRESIDING

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?"

The motion to close debate lost with 17 ayes, 10 nays and 22 not voting.

LEGISLATIVE BILL 834. The Kime motion to indefinitely postpone prevailed with 25 ayes, 12 nays and 12 not voting.

LEGISLATIVE BILL 833. Title read. Considered.

Mr. R. Lewis offered the following amendment:
To amend LB 833 on page 3 Line 15, strike "eight" and insert "not less than eight"

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

MOTION—Reconsider Action on LB 817

Mr. Cavanaugh renewed his pending motion found in the Journal on page 801 for the Thirty-sixth Day to reconsider action on LB 817.

Mr. Cavanaugh requested a roll call vote.

Mr. Cavanaugh requested a Call of the House. The motion prevailed with 19 ayes, 13 nays and 17 not voting.

The Call showed 44 members present.

Voting in the affirmative, 30:

Anderson Burbach Burrows Carsten Cavanaugh
Chambers DeCamp Dickinson Duis Dworak
Fitzgerald Fowler Goodrich Johnson Keyes
Koch Kremer F. Lewis Luedtke Mahoney
Moylan Rumery Savage Schmit Simpson
Skarda Stoney Swigart Syas Wiltse

Voting in the negative, 13:

Barnett Bereuter Cope Kelly Kennedy
R. Lewis Maresh Marsh Murphy Nichol
Rasmussen Stull Warner

Not voting, 6:

Clark George Hasebroock Kime Marvel
Mills

The motion to reconsider action on Final Reading prevailed with 30 ayes, 13 nays and 6 not voting.

Mr. Goodrich moved to raise the Call. The motion prevailed.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 818. Indefinitely postponed.
LEGISLATIVE BILL 830. Indefinitely postponed.
LEGISLATIVE BILL 879. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. Luedtke asked unanimous consent to be excused March 4 and March 5, 1976. No objections. So ordered.

UNANIMOUS CONSENT–Hold LB 819

Mr. Dworak asked unanimous consent to have LB 819 held over until Monday, March 8, 1976. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 25. Title read. Considered.

Standing Committee amendment found in the Journal on page 699 for the Thirtieth Day was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 809. Title read. Considered.

Standing Committee amendment found in the Journal on page 832 for the Thirty-seventh Day was adopted with 32 ayes, 1 nays and 16 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Koch asked unanimous consent to be excused March 5, 1976. No objections. So ordered.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 570. Placed on General File as amended.
Standing Committee amendments to LB 570:

1. On page 2 insert a new section to read as follows:

"Sec. 2. No person shall be disqualified from employment by the State of Nebraska or any of its agencies or political subdivisions, nor shall a person whose civil rights have been restored, be disqualified to practice, pursue, or engage in any occupation, trade, vocation, profession, or business for which a license, permit, or certificate is required to be issued by the State of Nebraska solely because of a prior conviction of a felony, but such person may be denied employment if the felony for which he or she was convicted directly relates to the position of employment sought or to the specific occupation, trade, vocation, profession or business for which any license, permit, or certificate is sought.".

2. On page 15, line 23 strike "found guilty" and show as stricken and insert "convicted"; in line 25 after "conversion" insert ", if such conviction or judgment is directly related to any licensed business under this section"; and strike beginning with the "or" in line 25 through "has" in line 27 and show as stricken.

3. On page 16 strike line 1 and show as stricken.

4. On page 29 strike lines 5 through 15 and show as stricken and insert "(2) The".

5. Renumber original sections 2 to 19 as sections 3 to 20 respectively.

LEGISLATIVE BILL 963. Placed on General File.
LEGISLATIVE BILL 990. Placed on General File.
LEGISLATIVE BILL 712. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

Labor

LEGISLATIVE BILL 924. Placed on General File as amended.
Standing Committee amendments to LB 924:

1. On page 2, line 6 after "section" insert a period and strike the remainder of the line; strike line 7; line 24, after "individual" strike "seeking unemployment benefits"; line 26 after "assigned" insert a period and strike "to be"; strike line 27.

2. On page 3 strike lines 1 and 2, and strike through the period in line 3; line 12 after "week" insert a period and strike "for which benefits are sought."; after line 15 insert the following:

"(6) All individuals employed in public service jobs under the provisions of this act shall be paid at a rate at least equal to the current state minimum wage. Such individuals shall not be eligible for unemployment benefits."; line 18 and 19, strike "office in the respective county" and insert "offices, job service offices, and itinerant Department of Labor offices".

3. On page 4, after line 3 insert new sections as follows:

"Sec. 3. All individuals, except those persons not physically able, shall appear in person at the appropriate unemployment office, job service office, or itinerant Department of Labor office to receive his or her weekly public service job paycheck, or his or her weekly check for unemployment benefits.

Sec. 4. All agencies of state government and political subdivisions may use unemployed individuals for public service jobs. Any agency or political subdivision using such individuals shall pay one half of the total cost of such labor. The state shall (1) pay the remaining one half of the cost of the labor, (2) maintain all appropriate employment records, and (3) pay all individuals employed in public service jobs in accordance with section 3 of this act.

Sec. 5. There is hereby appropriated from the General Fund to the Department of Labor, Agency 23, Program 030, five million dollars to be used solely for payment of wages to public service employees.".

LEGISLATIVE BILL 970. Placed on General File as amended.
Standing Committee amendment to LB 970:

1. On page 3, strike lines 5 through 8 and insert:

"(2) When compensation has been paid by the state to a state employee who makes claim for further compensation for the same injury or illness less than two years from the date of the".

LEGISLATIVE BILL 848. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT—Print in Journal

Speaker Burbach asked unanimous consent to print the following letter in the Journal. No objections. So ordered.

March 3, 1976

Speaker Jules W. Burbach
Eighty-fourth Legislature, Second Session
State Capitol
Lincoln, Nebraska

Dear Speaker Burbach:

In answer to your inquiry I would conclude that LB 806 is a priority item of legislative business and should be enacted this session.

I have followed closely the background of the drafting of this bill, sat with the Public Health & Welfare Committee during its presentation and discussion, and have studied closely the opinion of the three-judge Federal District Court handed down in December, 1975, declaring unconstitutional sections of the present commitment statutes.

The enactment of LB 806 is necessary to get the statutes in conformity with the Court's decision, and to give the proper statutory guidance to the local mental health boards as they perform their duties. It would, in addition, serve to head off further legal controversies which could arise in the involuntary commitment of persons to mental health facilities.

Sincerely,
(Signed) Jack W. Rodgers
Director of Research

GENERAL FILE

LEGISLATIVE BILL 703. Title read. Considered.

Laid over.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 706. Placed on General File as amended.
Standing Committee amendments to LB 706:

1. On page 6, line 22, strike "III" and insert "II".
2. On page 12, line 2, strike "III" and insert "II"; line 18, strike "III" and insert "II".
3. On page 15, line 25, strike "III" and insert "V".

4. on page 16, line 18, strike "III" and insert "II".

5. On page 17, line 26, strike "III" and insert "II".

6. On page 18, line 8, strike "III" and insert "II"; line 16, strike "III" and insert "II".

7. On page 20, line 5, strike "III" and insert "I"; line 17, strike "III" and insert "I"; line 26, strike "III" and insert "I".

8. On page 24, line 9, strike "III" and insert "II".

9. On page 30, line 5, strike "I" and insert "IV"; line 6, strike "misdemeanor" and insert "felony".

10. On page 31, line 8, strike "II" and insert "III".

11. On page 65, line 5, strike "III" and insert "II".

12. On page 74, line 14, strike "III" and insert "II".

13. On page 77, line 17, strike "III" and insert "II".

14. On page 100, line 6, strike "III" and insert "IV"; line 19, strike "III" and insert "IV".

15. On page 101, line 26, strike "I misdemeanor" and insert "IV felony".

16. On page 103, line 11, strike "III" and insert "II".

17. On page 109, line 1, strike "II" and insert "IV".

18. On page 127, line 20, strike "II" and insert "I".

19. On page 132, line 17, strike "IV felony" and insert "I misdemeanor".

20. On page 144, line 10, strike "III" and insert "V"; line 21, strike "II" and insert "I".

21. On page 149, line 13, strike "II" and insert "I".

22. On page 188, line 13, strike "III" and insert "V".

23. On page 193, line 6, strike "II" and insert "III".

24. On page 211, line 12, strike "I misdemeanor" and insert "IV felony".

25. On page 212, line 8, strike "I misdemeanor" and insert "IV felony"; line 26, strike "I misdemeanor" and insert "IV felony".

LEGISLATIVE BILL 707. Placed on General File as amended. Standing Committee amendments to LB 707:

1. On page 17, line 7, strike "III" and insert "II".

2. On page 20, line 1, strike "IV" and insert "I"; line 2, strike "felony" and insert "misdemeanor".

3. On page 22, line 5, strike "IV felony" and insert "I misdemeanor".

4. On page 41, line 5, strike "IV felony" and insert "I misdemeanor".

5. On page 43, line 14, strike "IV" and insert "III".

6. On page 54, line 7, strike "II" and insert "III".

7. On page 57, line 27, strike "IV felony" and insert "I misdemeanor".

8. On page 60, line 7 strike "IV felony" and insert "I misdemeanor".
9. On page 68, line 5, strike "III" and insert "II".
10. On page 72, line 24, strike "IV" and insert "II".
11. On page 82, line 16, strike "I" and insert "IV"; line 17, strike "misdemeanor" and insert "felony".
12. On page 83, line 17, strike "I misdemeanor" and insert "IV felony".
13. On page 87, line 13, strike "II" and insert "I".
14. On page 94, line 27, strike "II" and insert "III".
15. On page 97, line 17, strike "IV felony" and insert "I misdemeanor".
16. On page 101, line 19, strike "II" and insert "III".
17. On page 128, line 24, strike "II" and insert "III".
18. On page 144, line 27, strike "III" and insert "II".
19. On page 148, line 9, strike "III" and insert "V".
20. On page 178, line 6, strike "III" and insert "II".
21. On page 197, line 7, strike "IV felony" and insert "I misdemeanor".
22. On page 209, line 18, strike "IV felony" and insert "I misdemeanor".
23. On page 214, line 6, strike "III" and insert "I"; line 27, strike "II" and insert "III".
24. On page 218, line 11, strike "V" and insert "III".
25. On page 227, line 13, strike "III" and insert "II".
26. On page 244, line 9, strike "III" and insert "II".
27. On page 257, line 12, strike "III" and insert "IV".

LEGISLATIVE BILL 813. Placed on General File as amended.
Standing Committee amendment to LB 813:

1. On page 2, line 7 after "when" insert "in the line of duty and".

(Signed) Roland A. Luedtke, Chairman

GENERAL FILE

LEGISLATIVE BILL 454A. Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

UNANIMOUS CONSENT—Members Excused

The members of the Budget Committee asked unanimous consent to be excused at 4:00 p.m. for the balance of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 464. Considered.

Mr. Chambers renewed his pending amendments found in the Journal on page 783 for the Thirty-fifth Day.

The Barnett amendment to the Chambers amendment found in the Journal on page 894 for the Thirty-ninth Day was adopted with 21 ayes, 0 nays and 28 not voting.

Mr. DeCamp offered the following amendment:

To amend the Chambers Amendment as amended by striking all of Chambers amendment leaving only the Barnett amendment to the Chambers amendment.

Amendment pending.

MESSAGE FROM THE GOVERNOR

March 3, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 65, 666, 710, 998, and Reengrossed Legislative Bill No. 669.

These bills were signed by me on March 3, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT–Print in Journal

Mr. Kelly asked unanimous consent to print the following amendment to LB 703 in the Journal. No objections. So ordered.

1. On page 3, strike lines 5 through 11 and insert "person, partnership, or corporation lawfully engaged in the practice of medicine, surgery, osteopathy,

dentistry, chiropractic, podiatry, physical therapy, or nursing; or a person, partnership, or corporation lawfully engaged in the operation of a hospital or health services institute or facility licensed under section 71-2018, Revised Statutes Supplement, 1974.".

ADJOURNMENT

At 4:40 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, March 4, 1976.

Vincent D. Brown
Clerk of the Legislature

FORTY-FIRST DAY—MARCH 4, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 4, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father, into the calm and confidence of Thy presence we would bring our drained and driven souls that the benediction of Thy peace may fall upon our restless lives. In this difficult year of many decisions be Thou our pillar of cloud by day and our fire by night, as patiently and obediently we strive to follow the light which Thou hast placed within each of us.
>
> Save us from living on a small scale in a great day, from toying with the tiny when we ought to be lured by the titanic. In these days of decision, be swift our souls to answer Thee, be jubilant our feet! So through our actions may Thy purposes be furthered. In Thy name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Hasebroock, and Luedtke who were excused; Messrs. F. Lewis, Mills, and Burrows who were excused until they arrive: and Messrs. Anderson and Cavanaugh who were absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 894, line 15, correct spelling of further.
Page 894, line 21, strike "withstate" and insert "with state".
The Journal for the Thirty-ninth Day was approved as corrected.
Page 902, line 19, after "were" insert "reoffered and".
Page 903, line 8, strike "Engrossment" and insert "Re-engrossment".
The Journal for the Fortieth Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Skarda asked unanimous consent to be excused today at 1:30 p.m., March 5, and March 8, 1976. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 903. Replaced on Select File as amended.
E & R amendments to LB 903:

1. In new section 13, lines 24 and 25, strike "renumbered section"; and in line 26 strike "new section".

2. In the title, line 32, insert "to provide operative dates;" after of committee amendment.

LEGISLATIVE BILL 782. Replaced on Select File as amended.
E & R amendment to LB 782:

1. Insert "reserve force," after the first comma on page 9, lines 11 and 24, and page 10, line 1.

LEGISLATIVE BILL 996. Replaced on Select File as amended.
E & R amendments to LB 996:

1. On page 5, line 9, strike "therefore" and insert "~~therefore~~ therefor".

2. On page 8, strike the new matter and reinsert the same after the period in line 22.

LEGISLATIVE BILL 825. Replaced on Select File as amended.
E & R amendments to LB 825:

1. On page 13, line 3, strike "or notes" and show stricken.

2. In line 2 of E & R 1 of 3/3, insert "in line 25" before the period.

LEGISLATIVE BILL 752. Replaced on Select File as amended.
E & R amendments to LB 752:

1. For correlation purposes, and in lieu of all previous amendments, on page 2, line 3, and page 14, line 17, strike "34" and insert "1" and strike "6" and insert "756"; on page 2, line 4, and page 14, line 18, strike "First Special Session, 1975" and insert "Second Session, 1976"; on page 4, line 24 strike "532,929" and insert "~~525,824~~ 539,824"; on page 5, line 1, strike "1,131,746" and insert "~~1,124,641~~ 1,138,641"; on page 6, line 18 strike "53,811,859" and insert insert "~~53,794,359~~"; on

page 6, strike line 19 and insert "54,004,843"; on page 6 line 21, strike "~~63,709,703~~" and insert "~~63,692,203~~"; and on page 6, strike line 22 and insert "63,902,687"; on page 7, after line 16 insert:

"There is included in the amount shown $8,170 General Funds to be paid to School District No. 1 in Dixon County, Ponca Public School, for reimbursement of claims submitted by Ponca School District to the State Department of Education under the provisions of section 79-445, Revised Statutes Supplement, 1974."; on page 7, line 18, strike "12,599,215" and insert "~~12,592,215~~ 13,116,318"; on page 7, line 20, strike "13,166,192" and insert "~~13,159,192~~ 13,683,295"; on page 7, line 26 strike "24,711" and insert "23,711"; on page 8, line 1, strike "515,711" and insert "514,711"; on page 13, line 1 strike "542,463" and insert "537,739"; on page 13, line 4, strike "1,202,627" and insert "1,197,903"; on page 13, line 7, strike "288,175" and insert "285,695"; on page 13, line 10, strike "592,325" and insert "589,845"; on page 13, line 19, strike "426,618" and insert "460,442"; on page 13, line 22, strike "14,592,527" and insert "14,626,351"; on page 14, line 3 strike "548,015" and insert "554,000"; on page 14, line 5, strike "601,767" and insert "607,752"; on page 14, line 9, strike "70,307,807" and insert "70,918,817"; and on page 14, line 14 strike "108,670,411" and insert "109,231,421".

2. In the title, line 4, strike "34" and insert "1"; in line 5 strike "6" and insert "756"; and in lines 5 and 6, strike "First Special Session, 1975" and insert "Second Session, 1976".

LEGISLATIVE BILL 917. Placed on Select File as amended.
E & R amendments to LB 917:

(All references are to committee amendments.)

1. On page 1, line 12, strike "and"; and in line 16 strike the semicolon and insert a comma.
2. On page 3, strike line 7 and insert "; and".
3. On page 5, line 4, strike "such"; in line 10 strike "to"; and in line 13 insert a comma after "Establish".
4. On page 6, line 25, strike the commas.
5. On page 9, line 20, strike "then"; and in line 24 strike "paid" and insert "made".
6. On page 10, line 2, insert a comma after "who" and after "hearing".
7. On page 11, line 23, insert a comma after "director".
8. On page 12, line 18, insert a comma after "authority".

9. On page 13, line 9, insert a comma after "against" and strike "its" and insert "the"; and strike line 19 and insert "authority by such agencies".

LEGISLATIVE BILL 665. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 115.

WHEREAS, Section 85-408, R.R.S. Nebraska, 1943, requires approval of the Nebraska Legislature, if the same is in session, of expenditures from the Replacement or Surplus Fund in connection with the University of Nebraska Student Fees and Facilities Revenue Bonds; and

WHEREAS, in order to meet fire and safety requirements of the laws of the State of Nebraska, and regulations promulgated thereunder for the current fiscal year, it is necessary to expend $680,450 from said Replacement Fund; and

WHEREAS, in order to accomplish renewals and replacements and to meet fire and safety standards for the coming fiscal year, it is necessary to expend an additional $317,000 from the Replacement Fund; and

WHEREAS, since 1941 the University of Nebraska - Lincoln has been collecting student union fees for the construction of a student union on its East Campus, which project was approved initially by the Executive Board of the Legislative Council on October 12, 1973; and

WHEREAS, it is necessary to authorize an additional expenditure of $1,331,500 from the Surplus Fund of said bond issue to construct said East Campus Student Union, which additional sum is required because of inflationary factors, and the final approval of a program to meet student needs, the initial authorization of October 12, 1973 having been a preliminary estimate by the University of Nebraska - Lincoln, prior to a program statement or plans, specifications or bids.

NOW, THEREFORE, BE IT RESOLVED by the Eighty-fourth Legislature, Second Session, of the State of Nebraska, that the Board of Regents of the University of Nebraska be authorized to expend $680,450 and $317,000 from the Replacement Fund of its University of Nebraska - Lincoln Student Fees and Facilities Revenue Bonds and to expend an additional $1,331,500 from the Surplus Fund of said bond issue for construction of a student union building on the East Campus.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 35:

Barnett
Bereuter
Burbach
Clark
Cope
Dickinson
Dworak
Fitzgerald
Fowler
George
Goodrich
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Mahoney
Marsh
Marvel
Moylan
Murphy
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 14:

Anderson
Burrows
Carsten
Cavanaugh
Chambers
DeCamp
Duis
Hasebroock
Johnson
F. Lewis
Luedtke
Maresh
Mills
Nichol

A constitutional majority having voted in the affirmative, the resolution was declared passed and the title agreed to.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 743. With Emergency.

A BILL FOR AN ACT to appropriate funds for the payment of the salaries of the officers of the Nebraska state government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1977; to provide for the payment thereof; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Barnett
Bereuter
Burbach
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nichol
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 10:

Anderson Burrows Carsten Cavanaugh Hasebroock
Johnson F. Lewis Luedtke Mills Rasmussen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 798.

A BILL FOR AN ACT to appropriate $123,000 from the General Fund to the University of Nebraska to aid students in receiving instruction in required courses in veterinary medicine and surgery as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Barnett Bereuter Burbach Chambers Cope
DeCamp Dickinson Duis Dworak Fitzgerald
Fowler George Goodrich Kelly Kennedy
Keyes Kime Koch Kremer R. Lewis
Mahoney Maresh Marsh Marvel Moylan
Nichol Rumery Savage Schmit Simpson
Skarda Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 0.

Not voting, 12:

Anderson Burrows Carsten Cavanaugh Clark
Hasebroock Johnson F. Lewis Luedtke Mills
Murphy Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 977.

A BILL FOR AN ACT to amend section 81-1010, Revised Statutes Supplement, 1974, relating to state-owned motor vehicles; to delete provisions relating to expenses and administrative costs of the transportation services bureau as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barnett Bereuter Burbach Chambers Clark
Cope Dickinson Duis Dworak Fitzgerald
Fowler George Goodrich Kennedy Keyes
Koch Kremer R. Lewis Mahoney Maresh
Marsh Moylan Murphy Nichol Rasmussen
Rumery Savage Schmit Simpson Skarda
Stoney Stull Swigart Syas Warner
Wiltse

Voting in the negative, 1:

Kelly

Not voting, 12:

Anderson Burrows Carsten Cavanaugh DeCamp
Hasebroock Johnson Kime F. Lewis Luedtke
Marvel Mills

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION–Suspend Rules

Mr. Skarda moved to suspend the rules and take up tomorrow's Final Reading today.

The motion prevailed with 37 ayes, 0 nays and 12 not voting.

FINAL READING

LEGISLATIVE BILL 763. Mr. Koch moved to return LB 763 to Select File to strike the Schmit amendment.

Mr. Skarda moved the previous question. The question is, "Shall the debate now close?"

The motion failed with 23 ayes, 14 nays and 12 not voting.

Mr. Kelly moved the previous question. The question is, "Shall the debate now close?"

The motion prevailed with 25 ayes, 7 nays and 17 not voting.

The motion to return to Select File lost with 15 ayes, 25 nays and 9 not voting.

Mr. Kremer asked unanimous consent to be excused at 10:00 a.m. for the remainder of the day. No objections. So ordered.

Mr. George moved to return the bill to committee for a public hearing.

The motion lost with 17 ayes, 23 nays and 9 not voting.

A BILL FOR AN ACT relating to financial institutions; to provide what shall constitute an attached auxiliary teller office; to provide rights, powers, privileges, benefits, and immunities of state building and loan associations; to amend sections 8-157 and 8-355, Revised Statutes Supplement, 1975; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Barnett	Bereuter	Burbach	Cavanaugh	Clark
Cope	Dworak	Fitzgerald	Fowler	Goodrich
Johnson	Kelly	Keyes	F. Lewis	Mahoney
Marsh	Marvel	Nichol	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Wiltse			

Voting in the negative, 14:

Anderson	Burrows	Chambers	DeCamp	Dickinson
Duis	Kennedy	Koch	R. Lewis	Maresh
Moylan	Murphy	Rasmussen	Warner	

Not voting, 8:

Carsten	George	Hasebroock	Kime	Kremer
Luedtke	Mills	Rumery		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ATTORNEY GENERAL'S OPINION

Opinion No. 189
March 3, 1976

Dear Senator DeCamp:

This is in reply to your request for our opinion as to the constitutionality of the amendments to L.B. 702, Eighty-fourth Legislature.

As you stated the amendments are the same as the current California statutes relating to the death penalty, except as noted hereafter as to Section 8.

Since California enacted these statutes in 1973 over forty individuals have been sentenced to death but no appellate court in California has as yet construed the validity of the sentence or these California statutes under which the penalties were imposed.

As you know the last pronouncement of the Supreme Court of the United States concerning the death penalty was in the case of Furman v. Georgia, 408 U.S. 238, 33 L.Ed.2d 346, 92 S.Ct. 2726, decided June 29, 1972. There are presently several death penalty cases pending before the United States Supreme Court which were entered since that case.

While the case of Furman v. Georgia, mentioned above, was over 135 pages long and contained five separate concurring opinions on the majority and therefore contains a lot of varying views as to the constitutionality of the death penalty under the Eighth Amendment of the United States Constitution prohibiting cruel and unusual punishment, it is generally agreed among the states and legal authorities who have had to work with this problem since that case, that it prohibits the imposition of the death penalty either by the court or jury in an arbitrary or discretionary manner after a finding of guilt of the principal crime; in other words that after a finding of guilty of the crime for which the death penalty may or may not be imposed, it may not be left to the discretion of the court or jury whether or not to impose it in some cases and not impose it in others but that there must be a definite standard under which it will be imposed in all cases of like standard or will not be imposed when that standard is not reached. For example, in Furman v. Georgia, which involves three separate individuals the death penalty was imposed in one for murder and two for rape. In each case the determination of whether the penalty should be death or a lighter punishment was left by the state to the discretion of the judge or of the jury. Two of the cases came from Georgia and one from Texas. All three of the individuals involved were black. The court found that there was more leniency in the determination of whether to impose the death penalty against whites than there was against blacks or other minority groups.

Applying these standards to the present amendments we cannot say that the standards set forth in Section 3 which must be determined before the death penalty may be imposed are arbitrary or leave discretion to the court or jury; under the present state of the law it is our opinion that the constitutionality of such standards and the method of determining the circumstances under which the death penalty may or may not be imposed, except as hereinafter noted, could successfully be sustained.

As noted above, there is one method of procedure which we find doubtful constitutionally; this is the requirement in a number of places that the accused be represented by counsel or that his waiver of certain procedures requires the consent of his counsel. In Faretta v. California, ___U.S.___, 45 L.Ed.2d 562, 95 S.Ct.___, decided June 30, 1975, the Supreme Court of the United States held that even though the Sixth and Fourteenth Amendments to the United States Constitution guarantee that due process requires a person brought to criminal trial must be afforded the right to the assistance of counsel that a defendant in such a case has a constitutional right to proceed without counsel when he voluntarily and intellingently elects to do so.

In addition Article I, section 11 of the Nebraska Constitution provides that:

> "In all criminal prosecutions the accused shall have the right to appear and defend in person or by counsel, . . ."

In the light of the Faretta case and the Nebraska Constitution we do not believe that counsel may be imposed upon a defendant who voluntarily and intelligently wishes to proceed on his own.

There is also an area in the penalty provisions relating to parole which in our opinion would be difficult to defend consitutionally. (sic) These are the provisions providing for imposition of life imprisonment without possibility of parole after conviction of certain crimes none of which involve treason or impeachment.

Article IV, section 13 of the Nebraska Constitution provides in part:

> "The Legislature shall provide by law for the establishment of a Board of Parole and the qualification of its members. Said board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment. . ."

While we realize that the above portion of the Constitution provides that the Legislature may set the conditions under which paroles may be granted we do not believe the use of the words "conditions" may be construed to prohibit parole all together in cases other than treason and impeachment, otherwise, there would have been no reason for the Constitution to make exceptions in those two cases. It is a well established principle that the enumeration of certain powers implies the exclusion of all others not fairly incident to those enumerated and an affirmative description of cases in which certain powers may be exercised implies a negative on the exercise of such powers in other cases. Hueftle v. Eustis Cemetary Association, 171 Neb. 293; Galstan v. School District of Omaha, 177 Neb. 319; and many other cases. Since the Constitution expressly mentions the cases of treason and impeachment where parole shall not be granted it is our opinion that it implies that it shall be granted in all other cases under conditions established by the Legislature which conditions must be somewhere short of absolute prohibition.

Lastly, in Section 8 of said amendments the death penalty is imposed if a person undergoing a life sentence in the Nebraska Penal and Correctional Complex with malice of forethought commits an assault upon another person other than another inmate with a deadly weapon or instrument or by any means of force likely to produce great bodily injury. The provision does not require that any injury or death be suffered by the victim. Calif.Stats. 1973, Ch. 719 requires death of the victim within a year and a day as a result of the assault. Perhaps this was inadvertently omitted here.

An assault is generally understood to mean either (1) an attempt to commit a battery, or (2) an unlawful act which places another in reasonable apprehension of receiving an immediate battery. To constitute an assault no actual touching or injury to the victim is necessary but merely the attempt to touch or injure the victim or placing the victim in fear of receiving a battery. Perkins on Criminal Law, Chapter 2, section 2, page 86.

It is our opinion that it would be difficult to sustain the constitutionality of imposition of the death penalty under such circumstances because it may contravene the provisions of the Eighth Amendment of the United States Constitution against cruel and unusual punishment.

If we can be of any further assistance to you in this matter please contact us.

Respectfully submitted,

PAUL L. DOUGLAS
Attorney General

(Signed) Mel Kammerlohr
Assistant Attorney General

MK:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 652.

Correctly Engrossed

The following bills were correctly engrossed: 634, 634A, 692, 786, 795, and 795A.

(Signed) Donald N. Dworak, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 4, 1976, at 9:50 a.m., were the following bills: 426, 682, 683, and 721.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORT
Labor

LEGISLATIVE BILL 1001. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Bereuter asked unanimous consent to print the following amendments to LB 869 in the Journal. No objections. So ordered.

Section 1. There is hereby created a fund to be known as the Animal Research and Diagnosis Revolving Fund.

Sec. 2. Fees for diagnostic and testing services performed for individuals, corporations, and agencies of government shall be paid into the Animal Research and Diagnosis Revolving Fund.

Sec. 3. The Animal Research and Diagnosis Revolving Fund shall be used to provide financial support for research and other service functions performed by the diagnostic laboratory of the University of Nebraska Animal Health Research Center.

Sec. 4. The diagnostic laboratory of the University of Nebraska Animal Health Research Center shall establish a fee schedule showing fees to be charged for various diagnostic and testing services performed by the laboratory.

SELECT FILE

LEGISLATIVE BILL 176. Mr. Goodrich offered the following amendment:

Strike sub (4) of Sec 1 of original bill as amended.

Amendment pending.

Mr. Fowler asked unanimous consent to bracket the bill until March 18, 1976 on Select File. No objections. So ordered.

LEGISLATIVE BILL 667. Mr. Fowler renewed his pending motion found in the Journal on page 902 for the Fortieth Day.

UNANIMOUS CONSENT—Members Excused

Mr. Anderson asked unanimous consent to be excused Friday, March 5, 1976. No objections. So ordered.

Mr. Duis asked unanimous consent to be excused at 1:30, Friday, March 5, 1976. No objections. So ordered.

Mr. Warner asked unanimous consent to be excused Friday afternoon, March 5, 1976. No objections. So ordered.

Mr. Bereuter asked unanimous consent to be excused at 3:00 p.m., Friday, March 5, 1976. No objections. So ordered.

Mr. Kennedy asked unanimous consent to be excused tomorrow morning, March 5, 1976 until he returns in the afternoon. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 809 in the Journal. No objections. So ordered.
(Amendments printed separate from the Journal and on file in the Clerk's office. Req. No. 2682)

RECESS

At 11:58 on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Kremer, Luedtke, Hasebroock, Rumery, and Skarda who were excused; Mr. Chambers who was absent until 2:10 p.m.; and Mr. F. Lewis who was absent until 2:50 p.m.

SELECT FILE

LEGISLATIVE BILL 667. Mr. Fowler renewed his pending motion to indefinitely postpone on page 902 for the Fortieth Day.

Mr. Fowler moved for a Call of the House.

The motion prevailed with 22 ayes, 5 nays and 22 not voting.

Mr. Fowler requested a roll call vote.

Voting in the affirmative, 16:

Anderson Burrows Chambers Clark Dickinson
Dworak Fowler Johnson Kennedy R. Lewis
Maresh Marvel Murphy Nichol Rasmussen
Warner

Voting in the negative, 22:

Bereuter Burbach Cavanaugh Cope DeCamp
Duis Fitzgerald George Goodrich Kelly
Keyes Koch Mahoney Moylan Savage
Schmit Simpson Stoney Stull Swigart
Syas Wiltse

Not voting, 11:

Barnett Carsten Hasebroock Kime Kremer
F. Lewis Luedtke Marsh Mills Rumery
Skarda

The Fowler motion to indefinitely postpone lost with 16 ayes, 22 nays and 11 not voting.

Mr. Johnson moved to raise the Call. The motion prevailed.

Mr. Burrows offered the following amendment:

AMENDMENT TO LB 667

1. On page 2, line 12, after "enterprises" insert ", real and personal property suitable for use by agricultural enterprises,".

Mr. Goodrich offered the following amendment to the Burrows amendment:

Amend by adding "related Business"

Mr. Kelly moved the previous question on the Goodrich amendment to the Burrows amendment. The question is, "Shall the debate now close?"

The motion lost with 16 ayes, 14 nays and 19 not voting.

Mr. Goodrich asked unanimous consent to bracket LB 667 until March 11, 1976. No objections. So ordered.

LEGISLATIVE BILL 868. E & R amendment found in the Journal on page 897 for the Fortieth Day was adopted.

Advanced to E & R Engrossment.

LEGISLATIVE BILL 1004. E & R amendments found in the Journal on page 897 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Unbracket LB 994

Mr. Stoney asked unanimous consent to unbracket LB 994. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 994. Mr. Stoney offered the following amendment:

To unbracket and amend LB 994 Page 4 line 16 add the words, month and preceeding the word year.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Stoney asked unanimous consent to withdraw his amendment found in the Journal on page 880 for the Thirty-ninth Day. No objections. So ordered.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 464. Mr. DeCamp renewed his pending amendment to the Chambers amendment found in the Journal on page 913 for the Fortieth Day.

Mr. DeCamp requested a Call of the House. The motion prevailed.

Mr. Chambers moved the Call be raised. The motion prevailed.

The DeCamp amendment to the Chambers amendment was adopted with 24 ayes, 10 nays and 15 not voting.

Mr. Warner offered the following amendment to the Chambers amendment:

Amend LB 464 the DeCamp General File amendment dated 2-23-76 re-insert the stricken language in Sec. 19.

The amendment was adopted with 26 ayes, 4 nays and 19 not voting.

The Chambers amendment, as amended, was adopted with 29 ayes, 2 nays and 10 not voting.

Mr. Chambers moved to indefinitely postpone.

Mr. Chambers requested a roll call vote.

Mr. Chambers moved for a Call of the House. The motion prevailed with 15 ayes, 11 nays and 23 not voting.

The Call showed 41 members present.

Voting in the affirmative, 19:

Anderson
Bereuter
Burrows
Chambers
Dickinson
Fowler
Johnson
Kelly
Kennedy
Kime
R. Lewis
Marsh
Marvel
Nichol
Rasmussen
Stull
Swigart
Warner
Wiltse

Voting in the negative, 23:

Barnett
Burbach
Cavanaugh
Clark
Cope
DeCamp
Duis
Dworak
Fitzgerald
George
Goodrich
Keyes
Koch
F. Lewis
Mahoney
Maresh
Moylan
Savage
Schmit
Simpson
Skarda
Stoney
Syas

Not voting, 7:

Carsten Hasebroock Kremer Luedtke Mills
Murphy Rumery

The Chambers motion to indefinitely postpone lost with 19 ayes, 23 nays and 7 not voting.

Mr. Johnson moved the Call be raised. The motion prevailed.

UNANIMOUS CONSENT–Print in Journal

Mr. Rasmussen asked unanimous consent to print the following amendments to LB 890 in the Journal. No objections. So ordered.

Amend LB 890 by striking from Section 8 on Page 10, Lines 7-24, and by substituting the following language:

~~(2)~~ (1) to prescribe the amount, terms, and conditions of any bond where the amount or terms are not fixed by any specific statute. The Director, in prescribing the terms, shall consider the type of risks to be bonded, relationship of the bond premium to risks involved, past and projected trends for bond premiums, and any other factors the Director, may, in his discretion, deem necessary in order to accomplish the provisions of this act;

~~(3)~~ (2) to pass upon the sufficiency of and approve the surety on the bonds of all officers and employees of the state, where approval is not otherwise prescribed by any specific statute; and

~~(4)~~ (3) to arrange for the writing of corporate surety bonds for all the officers and employees of the state who are required by statute to furnish bonds; ~~whether such bonds are required to be given by a specific statute or by the Director of Insurance, and to order the payment of the premiums therefore out of state funds.~~

(4) to arrange for the writing of the blanket corporate surety bond required by this section; and

(5) to order the payment of corporate surety bond premiums out of state funds. The premium for the blanket corporate surety bond shall be paid out of state funds from an appropriation to each agency in accordance with a formula prepared by the Department of Insurance based upon the number of individuals and type of risks to be bonded by the agency. Included in the premiums paid by each agency for any type corporate surety bond shall be an amount not to exceed two and one-half percent for payment to the Department of Insurance for administrative costs.

All state employees not required to furnish bond by Section 11-119 shall be bonded under a blanket corporate surety bond for faithful performance and honesty in an amount not to exceed one million dollars.

GENERAL FILE

LEGISLATIVE BILL 464. Mr. Chambers offered the following amendment:

To amend Gen'l File amendment to LB 464 (2/23/76) to require monitoring of lotteries by the Atty Gen'l.

Mr. Chambers requested a roll call vote.

Mr. Chambers moved for a Call of the House. The motion prevailed with 16 ayes, 1 nay and 22 not voting.

The Call showed 43 members present.

Voting in the affirmative, 22:

Anderson
Bereuter
Burrows
Chambers
Clark
Cope
Dickinson
Duis
Fowler
Johnson
Kelly
Kennedy
R. Lewis
Maresh
Marsh
Marvel
Nichol
Rasmussen
Stull
Swigart
Syas
Wiltse

Voting in the negative, 15:

Barnett
Burbach
Fitzgerald
George
Goodrich
Keyes
Koch
F. Lewis
Mahoney
Moylan
Savage
Schmit
Skarda
Stoney
Warner

Not voting, 12:

Carsten
Cavanaugh
DeCamp
Dworak
Hasebroock
Kime
Kremer
Luedtke
Mills
Murphy
Rumery
Simpson

The Chambers amendment lost with 22 ayes, 15 nays and 12 not voting.

Mr. Stoney moved to raise the Call. The motion prevailed.

ANNOUNCEMENT

Mr. Marvel announced an executive session of the Appropriations Committee at 4:00 p.m. in room 1003.

GENERAL FILE

LEGISLATIVE BILL 464. Mr. Chambers offered the following amendment:

To amend Gen'l File amendment (2-23-76) to LB 464: Strike Emergency Clause.

The Chambers amendment lost with 13 ayes, 16 nays and 20 not voting.

Mr. Chambers offered the following amendment:
To amend LB 464 lottery tickets can cost no less than $100.00 per ticket.

Mr. DeCamp asked unanimous consent to have the bill bracketed until March 8, 1976.

Mr. Chambers objected.

Mr. DeCamp moved to have the bill bracketed until March 8, 1976 as the first order of business on General File.

Mr. Chambers moved the previous question. The question is, "Shall the debate now closed?"

The motion lost with 13 ayes, 9 nays and 27 not voting.

Mr. F. Lewis moved to adjourn sine die. The motion lost.

The Chambers amendment is pending.

The DeCamp motion to bracket the bill is pending.

VISITORS

The President introduced 6 students and teacher from Cody-Kilgore School, Cody, Nebraska.

ADJOURNMENT

At 4:31 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, March 5, 1976.

Vincent D. Brown
Clerk of the Legislature

FORTY-SECOND DAY—MARCH 5, 1976

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 5, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Almighty God, as we begin to live this new day which Thou hast given us, grant that by all our thoughts, words, and deeds we may keep it bright and clean and wholesome. Help us to be true to our convictions without simply being obstinate; to be tolerant of other men's opinions without compromising our principles; to be men of our word and not just wordy men; to be leaders whose eyes are on the stars, but whose feet stand solidly on the ground; and to be determined that the affairs of our State may never become a sorry state of affairs. In short, O God, make us the kind of men and women who use our time finding solutions instead of creating problems, producing answers instead of just asking questions, providing action instead of merely making small talk. To this end guide us, sustain us, and strengthen us; in our Master's name we pray. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Rumery, Luedtke, Skarda, Cope and Kremer who were excused; Mr. F. Lewis who was excused until he arrives; Mr. Hasbroock who was excused; and Mr. Cavanaugh who was absent until 10:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-first Day was approved.

COMMUNICATION

OFFICE OF THE POSTMASTER GENERAL
Washington, D.C. 20260

February 25, 1976

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

This is in response to your recent letter to Postmaster General Benjamin F. Bailar, forwarding a copy of Legislative Resolution 112 recently adopted by the Nebraska Legislature.

We understand the concern of the Nebraska Legislature over the possible impact of recent adjustments in the Postal Service's policy governing post office closings. The adjustments do not represent any radical change from past policy. The following two arbitrary restrictions have been eliminated: (1) that regardless of a case's individual merits a postmaster vacancy was necessary before a discontinuance could be considered, and (2) that 25 families or fewer be served by an office considered for discontinuance.

Our commitment to provide service equivalent to or better than existing service remains the prevailing guideline under the new policy, as it was under the old. As required by law, no office has been or will be closed solely for economic reasons.

There will be no changes in the status of any office prior to a survey of the affected community and an opportunity for the customers involved to review alternatives.

Sincerely yours,
(Signed) Norman S. Halliday
Assistant Postmaster General
Government Relations Department

ATTORNEY GENERAL'S OPINION

Opinion No. 190
March 4, 1976

Dear Senator Luedtke:

You have asked for a clarification of an earlier opinion drafted by this office concerning Legislative Bill 639. You have asked specifically whether or not the power of parole rest exclusively with the Board of Parole. In the last sentence of our original opinion on L.B. 639 we wrote concerning the power of parole "This power cannot be delegated to the Department of Correctional Services without first involving the Board of Parole as is provided for in the present statute." The intent of that statement was to convey to you our opinion that the power of parole does rest exclusively with the Board of Parole.

The Nebraska Supreme Court in State of Nebraska ex rel. State Railway Commission v. Ramsey, 151 Neb. 333, 37 N.W.2d 502 (1949), said:

> "...However, the Constitution is the supreme law, and a limitation of power of all departments and all officials, and it is the duty and function of the court to trace the line which marks the limit of power, and to cause compliance with it."

The court went on to say in that case that the Legislature has no power to divest the State Railway Commission of its constitutional jurisdiction to regulate and control common carriers. Along those same lines it has been said in 16 C.J.S., Constitutional Law, Section 21, that:

> "Unless a different intention is apparent, the enumeration of specified matters in a constitutional provision usually is construed as an exclusion of matters not enumerated.
>
> "Applying the maxim, Expressio unius est exclusio alterius, the enumeration of certain specified things in a constitutional provision will usually be construed to exclude all things not thus enmerated (sic)...."

Applying the above maxim, to the question at hand, it appears that the express grant of parole power to the Parole Board is an implied exclusion of that power to any other body. It follows that the power of parole is exclusively lodged in the Parole Board by virtue of Article IV, Section 13, Constitution of Nebraska, and the Legislature may not delegate that power to any other department or agency.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Paul W. Snyder
Special Assistant Attorney General

PWS:pjf
cc: Mr. Vincent D. Brown
Clerk of the Legislature

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of March 4, 1976. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Carlin, B. L. - Omaha (withdrawn), Nebraska Chapter, National Electrical Contractors Assn., Inc.
Meyer, Brian - Hooper, Nebraska Easter Seal Society
Neal, Jean D. Jr. - Austin, Texas, Hoffmann LaRoche Inc.
Nuss, Carol - Bellevue, Committee for Betterment of Downtown Omaha

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 861. Placed on Select File as amended.
E & R amendments to LB 861:

1. On page 3, lines 18 and 23, insert "Chapter 37 and" before "this".
2. On page 4, line 23, insert "Chapter 37 and" before "this"; and in line 24 strike "as used in this section".
3. On page 14, line 6, strike the comma and insert "so"; in lines 6 and 7 strike "as above required"; in line 14 strike "actually not" and insert "not actually"; in lines 19 and 20 strike "the provisions of "; and in line 27 strike "is".
4. On page 15, line 7, insert "in procuring the stamp" after "residence"; strike the comma in lines 10, 14, 19, 21, and 26; and in line 16 strike the second "and" and insert "or".
5. On page 16, line 5, strike "said" and insert "the"; in lines 7 and 8 strike "the provisions of"; in line 8 strike the comma; in line 14 strike "stamps for it" and insert "the stamps"; and in lines 17 and 18 strike "from the sale of stamps" and reinsert the same after "him" in line 16.
6. In lieu of the new section added by the F. Lewis amendment as amended, on page 16 strike "State Game Fund." and insert "Nebraska Habitat Fund which is hereby created. No expenditure shall be made from the

Nebraska Habitat Fund until the Game and Parks Commission has presented a habitat plan to the Committee on Appropriations of the Legislature for its approval.".

7. On page 17, strike the sentence beginning in line 13; in line 15 strike "It" and insert "Such funds"; and in line 19 strike "therein" and insert "thereunder".

8. On page 19, line 1, insert an underscored comma after "Act"; and in line 13 insert an underscored comma after "purposes".

9. In lieu of the Maresh amendment thereto, on page 19, line 1, insert "on a willing seller willing buyer basis only" after "acquisition".

10. In the title, line 8, insert "to create a fund and provide the source and use thereof;" after the first semicolon and strike "a term" and insert "terms".

LEGISLATIVE BILL 833. Placed on Select File.
LEGISLATIVE BILL 25. Placed on Select File.

LEGISLATIVE BILL 809. Placed on Select File as amended.
E & R amendments to LB 809:

(All references are to committee amendments.)

1. On page 1, line 5, strike "subsections" and insert "subdivisions"; and in line 14 strike the comma.
2. On page 2, line 6, strike "company" and insert "Association"; insert "such" at the end of line 9; and strike line 10 and insert "office.".
3. On page 3, line 24, strike the comma.
4. On page 4, line 2, strike the comma.
5. On page 5, line 4, strike the comma.
6. On page 6, lines 1 and 2, strike "relating to insurance and corporations"; and in lines 7 and 8 strike "be empowered to".

LEGISLATIVE BILL 454A. Placed on Select File as amended.
E & R amendment to LB 454A:

1. On page 2, lines 6, 12, and 20 and 21, and in the title, lines 4 and 5, strike "Second Session, 1976" and insert "First Session, 1975".

Correctly Engrossed

The following bills were correctly engrossed: 626, 642, 670, 715, 722, 820, 846, and 877.

Correctly Enrolled

The following bills were correctly enrolled: 743, 763, 798, and 977.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 743, 763, 798, and 977.

SELECT FILE

LEGISLATIVE BILL 903. E & R amendments found in the Journal on page 916 for the Forty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 782. E & R amendment found in the Journal on page 916 for the Forty-first Day was adopted.

Advanced to E & R for Engrossment.

Mr. Kime asked unanimous consent to bracket LB 782 on E & R for Engrossment until March 9, 1976. No objections. So ordered.

LEGISLATIVE BILL 996. E & R amendments found in the Journal on page 916 for the Forty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 825. E & R amendments found in the Journal on page 916 for the Forty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 752. E & R amendments found in the Journal on page 916 for the Forty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 917. E & R amendments found in the Journal on page 917 for the Forty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 665. Advanced to E & R for Engrossment.

MOTION—Return LB 665 to Select File

Mr. Dworak moved to return LB 665 to Select File for the Koch specific amendment found in the Journal on Page 904 for the Fortieth Day. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT—Bracket LB 464

Mr. DeCamp asked unanimous consent to have LB 464 bracketed until March 11, 1976. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 733. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 647. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 296. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 686. Title read. Considered.

Mr. Goodrich offered the following amendment:

AMENDMENT TO LB 686

1. On page 2, insert a new section as follows:

"Section 1. That section 23-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-106. (1) The county board shall manage the county funds and county business except as otherwise specifically provided.

(2) The county board shall have the authority to establish a petty cash fund for such county for the purpose of making payments for subsidiary general operational expenditures and purchases. Such county board shall set, by resolution of the board, the amount of money to be carried in such petty cash fund and the dollar limit of an expenditure from such fund.".

2. On page 2, line 26 strike "section" and insert "sections 23-106 and"; line 27 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

4. In the title, line 2 strike "section" and insert "sections 23-106 and"; line 4 after the semicolon insert "to authorize the creation of a county petty cash fund;"; line 7 strike "section" and insert "sections".

Mr. Stoney offered the following amendment to the Goodrich amendment:

Amend Goodrich amendment that the maximum fund limit established be $25.00.

The Stoney amendment to the Goodrich amendment was adopted with 25 ayes, 1 nay and 23 not voting.

The Goodrich amendment, as amended, was adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Review with 26 ayes, 2 nays and 21 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 115.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting of business, the President signed the following resolution: LR 115.

UNANIMOUS CONSENT–Members Excused

Mr. Clark asked unanimous consent to be excused at noon today. No objections. So ordered.

Mr. Wiltse asked unanimous consent to be excused at 3:00 p.m. today. No objections. So ordered.

Mr. Nichol asked unanimous consent to be excused the remainder of the day and March 8, 1976. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 643. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 464 in the Journal. No objections. So ordered.

(1)

To amend Gen'l File amendment (2/23/76) to LB 464 to limit operating expenses to .05% of gross proceeds.

(2)

Strike original language and all amendments and insert: There is hereby created the State Lottery Board. The Board shall promulgate rules and regulations for the operation of lotteries. There shall be 15 members appointed by the Governor from the following list, and each member shall serve until his term is interrupted by judicial action. Whenever a vacancy shall occur, the governor shall appoint a person of substantially the same qualification as the prior member. Compensation of members shall be one winning one thousand dollar lottery ticket per month.

John Salanitro, Paul Cappellano, Jr., a/k/a "Boogers", Maxie Abramson, Douglas Wayne Brown, Bert Reid Howard, Wayne Womochil, Ross J. Dimauro, a/k/a "Socks", and "Soddy", Nicholas M. Schechinger, Michael Scavio, Jack Robert Lindley, a/k/a "Butch", Douglas Arthur Cotant, Gordon Olsen, a/k/a "Gordy", John Benjamin Kyles, Kenneth Schneiderwind, Paul Cappellano, Sr., a/k/a "Moustache", Ronald Dean Nelson, a/k/a "Pork", Frank A. Bonfiglio, and Jerry Franklin Krajeski, Defendants.

(3)

In section 16, strike the word "Law" and insert "Act".

(4)

"Strike all amendments."

(5)

Page 3, lines 20 and 21, Reinstate stricken language.

(6)

"Operating expenses shall mean those expenses required to operate a lottery but shall not include prizes awarded."

(7)

"Charitable shall mean an act or activity of general social interest which will benefit the public generally and which shall be untainted by motives of private gain."

(8)

"Community betterment shall mean any public project which shall benefit the public in general and shall not offer personal gain to any person or group."

(9)

"Charitable and community betterment shall in no case mean contributions to any incumbent or candidate for public office or any political party."

(10)

"The license fee for any lottery shall be five hundred dollars".

(11)

"Any seller of lottery tickets shall pay a license fee of three hundred dollars and shall receive a license which shall be prominently displayed in the establishment where tickets are being sold.

Violation of this section shall be a misdemeanor, conviction for which shall be punishable by a fine of three hundred dollars."

Strike lines 3, 4, 5 of Sec. 7.

(12)

"No lottery tickets shall be sold at grocery stores or drug stores."

(13)

"No lottery tickets shall be sold in any establishment where within a three mile radius of the establishment the median income for a family of four is less than nine thousand dollars."

(14)

If two or more cities or villages join together in the operation of a lottery, the net loot derived therefrom shall be apportioned among the several cities and villages according to the number of tickets hustled in each city or village.

(15)

1. On page 1 strike the first lines 21 and 22 and insert: "(5) Attorney General shall mean the Attorney General of the State of Nebraska, or his designated deputy or assistant; and"; in the first line 24, the first line 1, and the third line 2, strike "Revenue" and insert "Justice"; in the third line 9 strike "director" and insert "Attorney General".

2. On page 2, in the first line 24, the first line 11, the second line 2, the second line 15, and the third line 25, strike "director" and insert "Attorney General".

3. On page 3 in the first line 6 strike "director" where it appears and in each place insert "Attorney General".

GENERAL FILE

LEGISLATIVE BILL 644. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 645. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 33. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 718. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 749. Title read. Considered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 20 ayes, 2 nays and 27 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed.

Advanced to E & R for Review with 25 ayes, 3 nays and 21 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Rasmussen asked unanimous consent to print the following amendment to LB 779 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 779
Alternative No. 2

1. Insert three new sections to read:

"Sec. 3. The State of Nebraska hereby assents to the provisions of an Act of Congress entitled the Federal Water Projects Recreation Act, approved July 9, 1965, Public Law 89-72, 89th Congress, and to any and all amendments thereto, including those found in an Act of Congress entitled the Water Resources Development Act of 1974, approved March 7, 1974, Public Law 93-251, 93rd Congress. The Game and Parks Commission is authorized and empowered to perform, within the limits of availble funding, such acts as may be necessary to administer, operate, maintain, and replace land and water areas for recreation or fish and wildlife purposes or for both of such purposes in accordance with the provisions of such act as amended. The commission is further authorized to agree in writing, subject to funds being made available therefor, to bear the separable costs of federal projects allocated to either or both of such purposes in the proportion specified by such act, as amended, and to pay or repay such costs in accordance with the terms of such agreement.

Sec. 4. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the vailidity or constitutionality of the remaining portions thereof.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

GENERAL FILE

LEGISLATIVE BILL 750. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISALATIVE BILL 899. Title read. Considered.

Standing Committee amendments found in the Journal on page 574 for the Twenty-third Day were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Johnson asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 319. Indefinitely postponed.
LEGISLATIVE BILL 778. Placed on General File.

LEGISLATIVE BILL 954. Placed on General File as amended.
Standing Committee amendments to LB 954:

1. On page 2, line 2 after the second "the" insert "persons who produce agricultural commodities for domestic and foreign markets be permitted to act separately or jointly in cooperation with handlers, dealers, and processors of such commodities, the University of Nebraska Institute of Agriculture and Natual Resources, University of Nebraska, and any other interested agency or organization, to promote and stimulate the use, sale, and consumption of such commodities to improve production, processing, and marketing thereof, and that the"; line 21 after "processed"

insert "for use as food, feed, seed, or any industrial chemurgic purpose." and strike "by the"; strike line 22.

2. On page 4, line 23 after "fifty" insert "or ten per cent of the".

3. On page 5, line 2 after "Are" strike "at least twenty-five years" and after "of" insert "legal voting"; line 5 after "last" strike "five" and insert "two".

4. On page 7, line 20 after "Such" insert "referendum election shall be held either by the producer personally registering and voting at the respective county agent chairman's office, or by registration and voting by secret ballot by mail.

(1) In the event the committee determines that the referendum is to be by personally registering and voting, the"; line 22 strike "(1)" and insert "(a)"; line 24 strike "(2)" and insert "(b)"; line 26 strike "(3)" and insert "(c)".

5. On page 8, line 2 strike "(4)" and insert "(d)"; line 5 strike "(5)" and insert "(e)"; after line 5, insert the following:

"(2) In the event the committee determines that the referendum election is to be by registration and voting by secret ballot by mail, the notice shall include the following:

(a);

(b);

(c);

(d) That the registration and voting is to be conducted by secret ballot by mail;

(e) That the official ballots are being mailed on a date specified in the notice to all producers known to be eligible to vote;

(f) That the producer not receiving by mail an official ballot by a date specified in the notice will have ten days thereafter to apply for an official ballot at the county agent chairman's office;

(g) And set a deadline for receipt of all ballots and the address of the county agent chairman's office."; line 17 after the period insert "If the referendum election is held by mail, the election board shall, insofar as may be possible, determine the voting eligibility of the producer before registration forms and ballots are mailed and again check upon return of registration and sealed secret ballots.".

6. On page 11, line 9 after "election" insert ", except that secret balloting may be by mail".

7. On page 12, line 13 strike "proper".

8. On page 16, line 5 strike "fifty" and insert "one hundred or fifteen per cent of the"; line 10 after "program" insert "except that balloting may be by mail"; and in line 10 after the period insert "Any funds remaining with the board after the termination of a commodity program shall be expended to meet existing legal obligations of the board. Any surplus remaining thereafter shall be expended for market research purposes or other lawful purposes under this act at the discretion of the board.".

(Signed) Loran Schmit, Chairman

GENERAL FILE

LEGISLATIVE BILL 776. Title read. Considered.

Standing Committee amendment found in the Journal on page 575 for the Twenty-third Day was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 764. Title read. Considered.

Standing Committee amendments found in the Journal on page 580 for the Twenty-third Day were adopted with 27 ayes, 0 nays and 22 not voting.

MR. SAVAGE PRESIDING

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 688. Title read. Considered.

Standing Committee amendments found in the Journal on page 582 for the Twenty-third Day were adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Dworak offered the following amendment:
To add the Emergency Clause to LB 688.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

PRESIDENT WHELAN PRESIDING

MOTION—Reconsider Action on LB 519

Mr. Mills renewed his motion found in the Journal on page 879 for the Thirty-ninth Day to reconsider the final passage of LB 519.

The Mills motion failed with 15 ayes, 18 nays and 16 not voting.

GENERAL FILE

LEGISLATIVE BILL 711. Title read. Considered.

Mr. Chambers offered the following amendment:
To Amend LB 711: lines 13, 14 – Strike "and may include any power possessed by a city of the metropolitan class"

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

LEGISLATIVE BILL 757. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 805. Title read. Considered.

Standing Committee amendments found in the Journal on page 607 for the Twenty-fourth Day were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 806. Title read. Considered.

Standing Committee amendments found in the Journal on page 722 for the Thirty-first Day were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

RECESS

At 11:58 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Clark, Cope, Duis, Hasebroock, Johnson, Kremer, Luedtke, Nichol, Rumery, Skarda, and Warner who were excused; Mr. Marvel who was excused until he arrives; Messrs. Bereuter, Fowler, and Schmit who were absent until 1:50 p.m.

UNANIMOUS CONSENT–Member Excused

Mr. R. Lewis asked unanimous consent to be excused at 3:00 p.m., March 5, 1976. No objections. So ordered.

UNANIMOUS CONSENT–Expedite LB 688

Mr. Dworak asked unanimous consent to expedite LB 688. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 920. Title read. Considered.

Standing Committee amendments found in the Journal on page 646 for the Twenty-seventh Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Stull offered the following amendment:
To strike subsec (2) line 17 to 20 page 2.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion failed with 24 ayes, 6 nays and 19 not voting.

Mr. Stull withdrew his amendment.

Advanced to E & R for Review with 26 ayes, 2 nays and 21 not voting.

LEGISLATIVE BILL 794. Title read. Considered.

Standing Committee amendments found in the Journal on page 699 for the Thirtieth Day were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 922. Placed on General File.

(Signed) Wally Barnett, Vice Chairman

GENERAL FILE

LEGISLATIVE BILL 779. Title read. Considered.

Mr. Rasmussen renewed his pending amendments found in this day's Journal on page 944.

Amendment pending.

Speaker Burbach ruled the consideration of LB 779 as being erroneously placed on the noncontroversial priority list.

Mr. Dworak moved that the Speaker be overruled. The motion lost with 5 ayes, 11 nays and 33 not voting.

The Speaker was not overruled.

LEGISLATIVE BILL 859. Title read. Considered.

Advanced to E& R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 671. Title read. Considered.

Mr. Kelly offered the following amendment:
On line 6, after "leases" insert: "for Non-aviation purposes".
On line 13, after "leases" insert: "for Non-aviation purposes".
On line 14, strike "the use of any"
On line 15 strike "buildings owned by the State"
On line 14, after "sub-division" insert: For land and land improvements

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 693. Title read. Considered.

Mr. Maresh moved for a Call of the House. The motion prevailed with 16 ayes, 2 nays and 31 not voting.

Mr. Maresh requested a roll call vote.

Voting in the affirmative, 24:

Bereuter
Burbach
Carsten
DeCamp
Dickinson
Fowler
George
Goodrich
Kelly
Kime
Koch
F. Lewis
Maresh
Marsh
Moylan
Rasmussen
Savage
Schmit
Simpson
Stoney
Stull
Swigart
Warner
Wiltse

Voting in the negative, 5:

Dworak
Fitzgerald
R. Lewis
Mills
Syas

Not voting, 20:

Anderson
Barnett
Burrows
Cavanaugh
Chambers
Clark
Cope
Duis
Hasebroock
Johnson
Kennedy
Keyes
Kremer
Luedtke
Mahoney
Marvel
Murphy
Nichol
Rumery
Skarda

Failed to advance to E & R for Review with 24 ayes, 5 nays and 20 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 688. Placed on Select File as amended.
E & R amendments to LB 688:

1. In committee amendment 1, line 1, strike "21, 22" and insert "20,21".
2. On page 5, lines 4 and 5, strike "board" and insert "~~board~~ council".
3. In committee amendments 2 and 3, line 2, strike "16-668" and insert "16-689".
4. Insert a new section to read:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
5. In the title, line 5, strike "and" and insert "to harmonize provisions;"; and before the period in line 6 insert "; and to declare an emergency".

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 759. Title read. Considered.

Mr. Goodrich offered the following amendments:

1. On page 2, after line 6, insert new sections to read as follows:

"Sec. 2. That section 84-304, Revised Statutes Supplement, 1974, be amended to read as follows:

84-304. It shall be the duty of the Auditor of Public Accounts:

(1) To give information in writing to the Legislature, whenever required, upon any subject relating to the fiscal affairs of the state, or in regard to any duty of his office;

(2) To furnish offices for himself and all fuel, lights, books, blanks, forms, paper, and stationery required for the proper discharge of the duties of his office;

(3) To examine, or cause to be examined, at such time as he shall determine, books, accounts, vouchers, records, and expenditures of all state officers, state bureaus, state boards, state commissioners, state library, societies and associations supported by the state, state institutions, state colleges, and the University of Nebraska, except when required to be performed by other officers or persons, and to report promptly to the Director of Administrative Services the fiscal condition shown by such examinations, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of accounts; and to this end the Auditor of Public Accounts shall, with the approval of the Legislature, appoint an expert accountant (a) whose entire time shall be devoted to the service of the state as directed by the auditor, (b) who shall be a man of recognized qualifications in his profession, with at least five years' experience, (c) who shall be selected without regard to party affiliation or to his place of residence at the time of his appointment, (d) who shall promptly report in duplicate to the auditor the fiscal condition shown by each examination, including any irregularities or misconduct

of officers or employees, any misappropriation or misuse of public funds or property and any improper system or method of bookkeeping or condition of accounts, and it shall be the duty of the auditor to file promptly with the Governor a duplicate of such report, and (e) who shall qualify by taking an oath, which oath shall be filed in the office of the Secretary of State; and

(4) Conduct audits and related activities for state agencies, political subdivisions of this state, or grantees of federal funds disbursed by a receiving agency on a contractual or other basis for reimbursement, to assure proper accounting by all such agencies, political subdivisions, and grantees for funds appropriated by the Legislature and federal funds disbursed by any receiving agency. The auditor shall deposit the receipts for such audits and services in the cash fund maintained for the making of cooperative audits; and

~~(4)~~ (5) To analyze or cause to be analyzed, at such time as he shall determine or upon request by the Legislature, the performance, management, and accomplishments of the programs of all state officers, state bureaus, state boards, state commissioners, state library, societies and associations supported by the state, state institutions, state colleges, and the University of Nebraska, and report all findings of such analysis to the Legislature. The Auditor of Public Accounts shall, upon the approval of the Legislature, appoint an analyst (a) whose time shall be devoted to the service of the state as directed by the auditor, (b) who shall be recognized for experience in management, investigations, and good business practices, with at least ten years' experience, (c) who shall be selected without regard to party affiliation or to his place of residence at the time of his appointment, (d) who shall promptly report in such a manner as the auditor may require, information pertaining to personnel policies, organizational structure, comparisons of performance with preestablished standards, identification and analysis of problem areas, comparison of performance to legislative intent, determination of program effectiveness, and such comments and recommendations as considered appropriate for improved operations of government, and (e) who shall file an oath in the office of the Secretary of State. The auditor shall file a duplicate of such report with the agency affected and with the Legislature.

Sec. 3. That section 84-321, Revised Statutes Supplement, 1974, be amended to read as follows:

84-321. There is hereby created in the office of the Auditor of Public Accounts a cash fund to be known as the Auditor of Public Accounts Cash Fund. The fund shall be used for payment for services performed by the Auditor of Public Accounts for state agencies, political subdivisions, and grantees of federal funds disbursed by a receiving agency for which he is entitled to reimbursement from a contractual or other basis for such reimbursement.

Sec. 4. That original sections 84-304 and 84-321, Revised Statutes Supplement, 1974, are repealed.".

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

4. In the title, line 2 strike "section" and insert "sections 23-106 and"; line 4 after the semicolon insert "to authorize the creation of a county petty cash fund;"; line 7 strike "section" and insert "sections".

The amendments were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 839. Title read. Considered.

Standing Committee amendments found in the Journal on page 746 for the Thirty-third Day were adopted with 25 ayes, 0 nays and 24 not voting.

MR. SIMPSON PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 758. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 803. Title read. Considered.

Standing Committee amendments found in the Journal on page 753 for the Thirty-third Day were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 775. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 999. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 847. Title read. Considered.

Standing Committee amendments found in the Journal on page 785 for the Thirty-fifth Day were adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 995. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 858. Title read. Considered.

Standing Committee amendments found in the Journal on page 816 for the Thirty-sixth Day were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 1005. Title read. Considered.

PRESIDENT WHELAN PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 898. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 961. Title read. Considered.

Mr. Dworak offered the following amendment:

AMENDMENTS TO LB 961

1. Insert a new section to read:

"Sec. 3. That section 1-135 Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

1-135. Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or partnership of certified public accountants, or by a public accountant or a partnership of public accountants, or by one registered under the provisions of section 1-125, or a corporation, shall be registered annually under the provisions of sections 1-106 to 1-169 with the board, but no fee shall be charged for such registration. Each such office shall be under the ~~direct~~ supervision of a ~~resident~~ manager who may be either a principal or a staff employee holding a permit under the provisions of section 1-135, which is in full force and effect; Provided, that the title or designation certified public accountant or the abbreviation C.P.A. shall not be used in connection with such office unless such ~~resident~~ manager is the holder of a certificate as a certified public accountant under the provisions of sections 1-114 to 1-124 and a permit issued under the provisions of section 1-136, both of which are in full force and effect. Such resident manager may serve in such capacity at one office only. The board shall by regulation prescribe the procedure to be followed in effecting such registrations.".

2. Renumber original sections 3 and 4 as sections 4 and 5.

3. On page 5, insert "1-135," at the end of line 20.

The Dworak amendments were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 868, 994, and 1004.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 974. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 5, 1976, at 3:25 p.m., were the following bills: 519, 743, 763, 977, 798, and LR 115.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT–Bracket LB 917

Mr. Murphy asked unanimous consent to bracket LB 917 on E & R for Engrossing. No objections. So ordered.

ANNOUNCEMENT

Mr. F. Lewis announced the Education Committee will hold an executive session on Monday, March 8, 1976 at 1:00 p.m. in the East Chamber.

ADJOURNMENT

At 3:43 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Monday, March 8, 1976.

Vincent D. Brown
Clerk of the Legislature

FORTY-THIRD DAY—MARCH 8, 1976

LEGISLATIVE JOURNAL

FORTY-THIRD DAY—MARCH 8, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 8, 1976

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> We bow our hearts to begin anew - never quite knowing what a day may bring forth, or even an hour; recognizing always our need to be receptive to the opportunities of each moment as it passes in review, and resilient in the face of inevitable frustrations.
>
> Strengthened physically by the rest of the past weekend, and with the spiritual benefits of the season of Lent providing inner strength, we bow our heads and begin anew.
>
> O Lord, our God: teach us so to number our days that we may apply our hearts to wisdom. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Nichol, R. Lewis, Skarda, Hasebroock, and Wiltse who were excused; Messrs. Anderson and F. Lewis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 956, Line 40, insert "LEGISLATIVE BILL 990. Title read. Considered.
Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting."
The Journal for the Forty-second Day was approved as corrected.

ATTORNEY GENERAL'S OPINION

Opinion No. 191
March 4, 1976

Dear Senator Swigart:

This is in reply to your inquiry if there are any legal objections to the following proposed amendment to LB 816 of the Eighty-Fourth Legislature, Second Session:

> "1. Strike original section 1 and insert the following:
>
> Sec. 1. In the elementary schools of Nebraska, if any school district shall choose, the state shall not forbid a brief time taken for reverent silence, or the pledge of allegiance to the flag.
>
> Nor shall the state forbid the participation of such students in normal exercises coincident with the celebration of our Nation's holidays."

The above quoted amendment raises at least three (3) issues; exercises coincident with the celebration of our Nation's holidays, reverent silence, and the Pledge of Allegiance. The same are hereinafter discussed.

Introduction

The First Amendment to the Constitution of the United States provides in part that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech. . . ." It operates on the states by virtue of the Fourteenth Amendment. Cantwell v. Connecticut, 310 U. S. 296 (1940). The principle of separation of church and state is expressed in the clause which prohibits any law respecting an establishment of religion. The First Amendment is not anti-religious or irreligious. It does require that government refrain from interference with man's spiritual fulfillment (beliefs to be distinguished from practices).

Celebration of our Nation's Holidays and Reverent Silence.

The Supreme Court of the United States has not dealt directly with either the issue of celebration of our Nation's holidays or reverent silence. However, Justice Brennen, in his concurring opinion in Abington School District v. Schempp, 374 U.S. 203 (1963), said:

> ". . . It has not been shown that readings from the speeches and messages of great Americans, for example, or from the documents of our heritage of liberty, daily recitation of the Pledge of Allegiance or even the observance of a moment of

> reverent silence at the opening of class, may not adequately serve the solely secular purposes of the devotional activities without jeopardizing either the religious liberties of any members of the community or the proper degree of separation between the spheres of religion and government. . . ."

The Supreme Court of New Hampshire in Opinion of the Justices, 108 N.H. 97, 228 A.2d 161 (1967), and Opinion of the Justices, 113 N.H. 297, 307 A.2d 558 (1973), has interpreted the above quote to mean that the authorization of a period for voluntary silent meditation would not violate the First Amendment of the Constitution of the United States. It appears then that a moment of silent thought amounts neither to a state endorsement of any form of religion or deity, nor state prohibition of any matter of conscience. Indeed, a principle function of secular education is to encourage students to reflect upon problems of serious thought. A pause during the school day for the purpose of encouraging serious thought is entirely consistent with the functions of the state in education. It would also appear that readings in the public schools from the speeches and messages of great Americans or from documents of our heritage of liberty is also consistent with the functions of the state in education. Consequently, we are of the opinion that proper celebration of our Nation's holidays and a pause during the school day in reverent silence is not unconstitutional.

The Pledge of Allegiance.

In West Virginia State Board of Education v. Barnett, 319 U.S. 624 (1943), overruling Minorsville School District v. Gobitis, 310 U.S. 586 (1940), the court held that a West Virginia State Board of Education resolution, which required children, as a prerequisite to their continued attendance at public school, to salute the flag and recite the Pledge of Allegiance, was unconstitutional as applied to the children of Jehovah Witnesses since it denied them freedom of speech and freedom of worship. In rejecting the resolution, the court held that the state could not "prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion nor can the state force citizens to confess by word or act their faith therein." Id. at 624. In Barnett not only was recitation mandatory but expulsion from school was the penalty for noncompliance.

In Lewis v. Allen, 159 N. Y. 2d 807 (1957), aff'd. 207 N.Y. 2d 862 (1960), aff'd. 252 N. Y. 2d 80 (1964), an individual was challenging the recitation of the part "under God" in the Pledge of Allegiance as a violation of their freedom of religion. The court in that case held that the Pledge of Allegiance recited in public schools did not violate the First Amendment where it was completely voluntary and no penalties were imposed for failure or refusal to recite the Pledge.

In State v. Lundquist, 262 Md. 534, 278 A.2d 263 (1971), plaintiffs challenged a Maryland statute which required all students and teachers, except those objecting for religious reasons, to stand, salute the flag and recite the Pledge of Allegiance in unison. While holding this Maryland statute unconstitutional as violating the First Amendment, the court based its decision not on the establishment clause of the First Amendment but on the right of free speech and free expression as guaranteed in the First Amendment. The court held that the Barnett, supra, decision was not based on the freedom of religion as guaranteed in the First Amendment but was based on the guarantee of the right of free speech and free expression under the First Amendment. In Goetz v. Ansell, 477 F.2d 636 (2d Cir. 1973), a regulation requiring students who refused to salute the flag to either stand or leave the classroom was held invalid as a violation of the students' freedom of expression as guaranteed by the First Amendment. The court held that a student had the right to remain seated while the Pledge was being recited as long as it wasn't disruptive to the rest of the class.

In Banks v. Board of Public Instruction of Dade County, 314 F. Supp. 285 (S.D. Fla. 1970), a regulation requiring students to recite the Pledge of Allegiance to the Flag or stand quietly during the salute ceremony was held in direct conflict with the free speech and expression guarantee of the First Amendment.

It thus appears that if the recitation of the Pledge of Allegiance is made completely voluntary and no penalties are imposed for failure or refusal to recite the Pledge, that it could be properly recited in the public schools and would not violate either freedom of religion or freedom of speech as guaranteed by the First Amendment. However, it must be made clear that anyone who does not wish to partake in the Pledge of Allegiance cannot be forced either to stand or leave the room while it is being recited but may remain seated or stand quietly or leave the room as their conscience demands.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 491. Mr. Mills asked unanimous consent to bracket LB 491 until Monday, March 15, 1976. No objections. So ordered.

LEGISLATIVE BILL 676. With Emergency.

A BILL FOR AN ACT to amend section 10, Legislative Bill 604, Eighty-fourth Legislature, First Session, 1975, with items reduced by line-item veto, relating to appropriations; to increase an appropriation to the Board of Educational Lands and Funds; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Johnson
Kelly
Kennedy
Keyes
Koch
Kremer
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Rasmussen
Rumery
Savage
Schmit
Simpson
Stoney
Stull
Swigart
Syas
Warner

Voting in the negative, 0.

Not voting, 11:

Anderson
Chambers
Cope
Goodrich
Hasebroock
Kime
F. Lewis
R. Lewis
Nichol
Skarda
Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 684. With Emergency.

A BILL FOR AN ACT to make appropriations for the Personal Property Tax Relief Fund and the Governmental Subdivision Fund for the period of July 1, 1976, to June 30, 1977; to make an appropriation for refund of taxes unlawfully collected; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Barnett Bereuter Burbach Burrows Carsten
Cavanaugh Chambers Clark DeCamp Dickinson
Duis Dworak Fitzgerald George Goodrich
Kelly Kennedy Keyes Kime Koch
Kremer Luedtke Mahoney Maresh Marsh
Marvel Mills Moylan Murphy Rasmussen
Rumery Savage Schmit Stoney Stull
Swigart Syas Warner

Voting in the negative, 0.

Not voting, 11:

Anderson Cope Fowler Hasebroock Johnson
F. Lewis R. Lewis Nichol Simpson Skarda
Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 756. With Emergency.

A BILL FOR AN ACT to amend section 2, Legislative Bill 610, Eighty-fourth Legislature, First Session, 1975, as amended by section 34, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1976, relating to appropriations; to rearrange cuts in appropriations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Clark DeCamp
Dickinson Duis Dworak Fowler George
Goodrich Johnson Kelly Kennedy Keyes
Kime Koch Kremer Luedtke Mahoney
Maresh Marsh Marvel Mills Moylan
Murphy Rasmussen Rumery Savage Schmit
Simpson Stoney Stull Swigart Syas
Warner

Voting in the negative, 0.

Not voting, 8:

Cope Fitzgerald Hasebroock F. Lewis R. Lewis
Nichol Skarda Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 768.

A BILL FOR AN ACT relating to the Public Service Commission; to provide for the going into effect of certain specific new telephone tariffs.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Anderson Barnett Burbach Burrows Carsten
Cavanaugh Chambers Clark DeCamp Dickinson
Duis Fitzgerald Fowler Johnson Kelly
Keyes Kime Koch Kremer Luedtke
Mahoney Maresh Marsh Mills Moylan
Murphy Rumery Savage Schmit Stoney
Stull Swigart Syas Warner

Voting in the negative, 2:

Bereuter Dworak

Not voting, 13:

Cope George Goodrich Hasebroock Kennedy
F. Lewis R. Lewis Marvel Nichol Rasmussen
Simpson Skarda Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 812.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Game and Parks Commission to convey certain lands as described; and to provide for use of the proceeds of sale.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is,'Shall the bill pass?'"

Voting in the affirmative, 42:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Clark DeCamp
Dickinson Duis Dworak Fitzgerald Fowler
George Goodrich Johnson Kelly Kennedy
Keyes Kime Koch Kremer Luedtke
Mahoney Maresh Marsh Marvel Mills
Moylan Murphy Rasmussen Rumery Savage
Schmit Simpson Stoney Stull Swigart
Syas Warner

Voting in the negative, 0.

Not voting, 7:

Cope Hasebroock F. Lewis R. Lewis Nichol
Skarda Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and title agreed to.

LEGISLATIVE BILL 817. Mr. Cavanaugh asked unanimous consent to hold LB 817 until tomorrow.

Mr. Barnett objected.

Mr. Cavanaugh moved to hold LB 817 until tomorrow.

The motion prevailed with 28 ayes, 1 nay and 20 not voting.

LEGISLATIVE BILL 869. Mr. Bereuter moved to return LB 869 to Select File for the specific amendment found in the Journal on page 926 for the Forty-first Day.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 884. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-305.09 and 77-1241.09, Revised Statutes Supplement, 1975; to provide for the transfer of registration of motor vehicles; to provide an application fee for transfer; to provide for prorationing of registration fees; to provide collection fees; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Rasmussen
Rumery
Savage
Schmit
Simpson
Stoney
Stull
Swigart
Syas
Warner

Voting in the negative, 0.

Not voting, 7:

Cope
Hasebroock
F. Lewis
R. Lewis
Nichol
Skarda
Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 944. With Emergency.

A BILL FOR AN ACT to amend section 81-1533, Revised Statutes Supplement, 1974, relating to water pollution control; to provide funding for wastewater treatment facilities; to require reports on funds and facilities as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
Luedtke

Mahoney Maresh Marsh Marvel Mills
Moylan Rasmussen Rumery Savage Schmit
Simpson Stoney Stull Swigart Syas
Warner

Voting in the negative, 1:

Murphy

Not voting, 7:

Cope Hasebroock F. Lewis R. Lewis Nichol
Skarda Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 971. With Emergency.

A BILL FOR AN ACT relating to health insurance for state employees; to provide the amount of the state's contribution; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Clark Dickinson
Duis Fitzgerald Fowler George Goodrich
Johnson Kennedy Keyes Kime Koch
Kremer Luedtke Mahoney Maresh Marsh
Marvel Mills Moylan Rasmussen Rumery
Savage Schmit Simpson Stoney Stull
Swigart Syas Warner

Voting in the negative, 4:

DeCamp Dworak Kelly Murphy

Not voting, 7:

Cope Hasebroock F. Lewis R. Lewis Nichol
Skarda Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 971A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 971, Eighty-fourth Legislature, Second Session, 1976; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Clark Duis
Fitzgerald Fowler George Goodrich Kennedy
Keyes Kime Koch Kremer Luedtke
Mahoney Maresh Marsh Marvel Mills
Moylan Rasmussen Rumery Schmit Simpson
Stoney Stull Swigart Syas Warner

Voting in the negative, 4:

DeCamp Dworak Kelly Murphy

Not voting, 10:

Cope Dickinson Hasebroock Johnson F. Lewis
R. Lewis Nichol Savage Skarda Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORT
Enrollment and Reveiw

Correctly Engrossed

The following bills were correctly engrossed: 825, 903, and 996.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 883. Placed on General File as amended.
Standing Committee amendments to LB 883:

1. Strike original section 1.
2. On page 11, lines 4 and 8 reinstate the stricken matter; and in lines 5 and 9 strike the new matter.
3. On page 12, line 8 reinstate the stricken matter; line 9 strike the new matter; and in line 15 strike "24, 274, 435" and insert "24, 074, 435".
4. Renumber original sections 2 to 9 as sections 1 to 8 respectively.

(Signed) Richard D. Marvel, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 192
March 3, 1976

Dear Senator Goodrich:

You have requested in your letter of February 26, 1976, an opinion of the effect of eliminating certain provisions in Section 53-168 of the Liquor Control Act on the prohibition of wholesalers giving anything of value to a retailer.

For clarification purposes we are setting forth Section 53-168 as it is presently found in the statute books striking through the words that you indicated in the copy of LB 700 as being the words you wished to eliminate.

> "(1) It shall be unlawful for any person having a retailer's license to sell beer to accept credit for the purchase of beer from any manufacturer, distributor, or wholesaler of beer and for any person having a retailer's license to sell alcoholic liquor, or any officer, associate, member, representative, or agent of such licensee, to accept, receive, or borrow money ~~or anything else of value~~ or to accept or to receive credit, other than merchandising credit in the ordinary course of business for a period not to exceed thirty days, or to accept any discount, rebate, ~~free goods,~~ or allowances, ~~or other inducement of any kind whatsoever directly or indirectly~~, from (a) any person, partnership, or corporation engaged in the manufacturing, distributing, or wholesaling of such liquor, (b) from any person connected with or

> in any way representing such manufacturer, distributor, or wholesaler, (c) from any member of the family of such manufacturer, distributor, or wholesaler, (d) from any stockholders in any corporation engaged in manufacturing, distributing, or wholesaling of such liquor, or (e) from any officer, manager, agent, or representative of such manufacturer, distributor, or wholesaler.
>
> (2) It shall be unlawful for any manufacturer, distributor, or wholesaler to give or lend money ~~or anything of value~~ or otherwise loan or extend credit, except the merchandising credit referred to in sub-section (1) of this section, directly or indirectly, to any such licensee or to the manager, representative, agent, officer, or director of such licensee.
>
> (3) It shall be unlawful for any manufacturer, distributor, or wholesaler to grant to a retailer licensed under this act to sell alcoholic liquors, directly or indirectly, any discount, rebate or ~~free goods~~, allowances, ~~or other inducement of any kind whatsoever~~, except as provided in subsection (1) of this section".

The end result, of eliminating the words that you have indicated, make ambiguous the prohibition against a wholesaler passing on to a retailer money, discounts, rebates or allowances. The words "or anything else of value" has an all inclusive meaning and makes for a more clearer understanding of the arms length dealings that wholesalers and retailers must have under the intent of Section 53-168, that being the elimination of tied-house arrangements. The prohibition is still present in that the wholesaler shall not give, nor shall the retailer accept, money, discounts, rebates or allowances. The elimination of the words "or anything else of value" then gives rise to the question as whether or not items such as bottle pourers, napkins, matches, menus or delivery, are they a thing of value or are they inclusive in the words "discounts, rebates or allowances".

Therefore, we are of the opinion that the striking of the words that you have indicated does not achieve the purpose for which their elimination was intended.

You further mention in your letter considering introducing a "right of surviorship" clause for the husband or wife to pass on the business to the survior, and a further amendment to permit Fraternal Order of Police to hold a liquor license. These are legislative policy matters on which this office does not take a part.

Respectfully yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Robert R. Camp
Assistant Attorney General

RRC:tf
cc: Vincent D. Brown

EXPLANATION OF VOTE

Had I been present and voting on Thursday, March 4, 1976, I would have voted “Aye” on LB 743, 798, 977, and 763.

(Signed) Roland A. Luedtke

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendment to LB 806 in the Journal. No objections. So ordered.

1. On page 2, line 17 strike the underscored semicolon and insert “, the definitions found in sections 3 to 15 of this act shall be used.”; in line 21 and 25 strike “;” and insert “.”.

2. On pages 3, 4, and 5 renumber subdivisions (1) to (13) of original section 2 as sections 3 to 15 respectively.

3. On page 4, lines 2, 4, 6, 12, and 25 and on page 5 lines 4, 8, 17, 21, 24, and 27 strike the “;” and insert “.”.

4. On page 6, line 1 strike “and”; and in line 2 strike “(14)” and insert “Sec. 16.”.

5. On page 8, line 5 strike “18” and insert “32”.

6. On page 18, line 9 strike “2” and insert “9”.

7. On page 19, line 1 strike “2” and insert “9”; line 10 strike “17 and 18” and insert “31 and 32”; and in line 18 strike “35” and insert “49” and strike “36” and insert “50”.

8. On page 20, lines 4 and 17 strike “2” and insert “9”.

9. On page 21, lines 3 and 10 strike “2” and insert “9”; line 12 strike “19, 22,” and insert “33, 36,”; lines 13 and 23 strike “24” and insert “38”.

10. On page 22, lines 3 and 21 strike “18” and insert “32”; line 18 strike “20” and insert “34”; and in line 26 strike “19” and insert “33”.

11. On page 23, line 9 strike “35 and 36” and insert “49 and 50”; and in line 22 strike “2” and insert “9”.

12. On page 24, lines 7 and 9 strike “16” and insert “30”; line 13 strike “24” and insert “38”; line 21 strike “2” and insert “9”; and line 25 strike “35 and 36” and insert “49 and 50”.

13. On page 25, line 13 strike "2" and insert "9".

14. On page 26, lines 11, 17, and 25 strike "2" and insert "9".

15. On page 27, line 12 strike "2" and insert "9"; line 16 strike "32" and insert "46"; line 17 strike "33" and insert "47"; and line 24 strike "25" and insert "59".

16. On page 28, line 11 strike "2" and insert "9".

17. On page 29, line 9 strike "2" and insert "9".

18. On page 30, lines 10 and 17 strike "2" and insert "9".

19. On page 31, line 6 strike "3" and insert "17".

20. On page 33, line 12 strike "25" and insert "39"; and in line 15 strike "28" and insert "42".

21. On page 34, line 11 strike "32" and insert "46"; and in line 27 strike "28" and insert "42".

22. On page 36 line 21 strike "19 and 20" and insert "33 and 34"; and in line 26 strike "22 and 24" and insert "36 and 38".

23. On page 37, line 16 strike "16" and insert "30"; line 17 strike "18" and insert "32"; and in line 19 strike "prelimiinary" and insert "preliminary".

24. On page 40, line 12 strike "16" and insert "30"; and in line 14 strike "18" and insert "32".

25. On page 42, line 20 strike "2" and insert "9".

26. On page 44, line 3 strike "35" and insert "49".

27. On page 46, line 1 strike "36" and insert "50".

28. On page 47, line 3 strike "37" and insert "51"; and strike lines 17 and 18.

29. On page 47 insert the following new sections:

"Sec. 53. There is hereby created a three member State Board of Mental Health. The three member board shall consist of a physician licensed to practice medicine in this state, a lawyer licensed to practice law in this state, and one of the following: A psycologist; a psychiatric social worker; a psychiatric nurse; or a lay person with a demonstrated interest in mental health issues. The members of the state board shall be appointed by the Governor within thirty days after the effective date of this act. The state board shall choose one of its members as chairperson.

Sec. 54. The members of the State Board of Mental Health while engaged in the performance of their offical duties, shall receive compensation at the rate of one hundred dollars per day while so serving. In addition, members of the state board shall receive reimbursement for actual and necessary expenses on the same basis and subject to the same conditions as full-time state employees.

Sec. 55. (1) It shall be the duty of the State Board of Mental Health to provide rehearings for each person involuntarily committed, prior to the effective date of this act, pursuant to any order of a county board of mental health ordering such committment, except that this section shall not apply to any individual who has had a rehearing which complies with the due process protections afforded by this act or the order of any court.

(2) All rehearings provided as required by subsection (1) of this section shall be held at the institution which has custody of the patient. All such rehearings shall be held prior to April 1, 1977.

Sec. 56. No rehearing shall be conducted unless the three members of the state board are present. Actions taken in a rehearing shall be by majority vote.

Sec. 57. (1) At such rehearings the State Board of Mental Health shall determine whether there is clear and convincing proof that the subject of a petition is a mentally ill dangerous person and that neither voluntary hospitalization nor other alternative less restrictive of his liberty than a mental health board ordered treatment disposition are aviliable or would suffice to prevent the harm described in section 9 of this act.

(2) Such rehearing shall be held in accordance with the procedure governing final hearings provided in this act.

Sec. 58. In each rehearing to be held before the State Board of Mental Health the Attorney General shall have the same powers, duties, and responsibilities as the county attorney has in appearing before the county mental health board.

Sec. 59. The State Board of Mental Health shall determine whether the subject of the petition for any rehearing is indigent. If the subject is found to be indigent, the state board shall immediately take the necessary actions to provide for the appointment of counsel. The state board may, if it deems it necessary, provide counsel to represent such individuals.

Sec. 60. The State Board of Mental Health shall cease to exist on April 1, 1977 or at the completion of all rehearings required by sections 53 to 60 of this act, whichever is earlier.".

30. Renumber original sections 3 to 38 as sections 17 to 52 respectively, and section 39, 40, and 42 as sections 61, 62, and 62 respectively.

SELECT FILE

LEGISLATIVE BILL 869. The Bereuter specific amendment found in the Journal on page 926 for the Forty-first Day was adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 861. E & R amendments found in the Journal on page 937 for the Forty-second Day were adopted.

Mr. Mills renewed his pending amendment found in the Journal on page 836 for the Thirty-seventh Day.

Mr. Mills moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays and 28 not voting.

The Call showed 42 members present.

Mr. Mills requested a roll call vote.

Voting in the affirmative, 29:

Anderson Barnett Bereuter Burrows Carsten
Cavanaugh Chambers Clark DeCamp Duis
Fitzgerald Fowler Goodrich Johnson Kime
Kremer Luedtke Mahoney Maresh Marsh
Mills Moylan Murphy Rasmussen Rumery
Savage Simpson Stull Syas

Voting in the negative, 9:

Dworak Kelly Keyes Koch Marvel
Schmit Stoney Swigart Warner

Not voting, 11:

Burbach
Cope
Dickinson
George
Hasebroock
Kennedy
F. Lewis
R. Lewis
Nichol
Skarda
Wiltse

The Mills amendment was adopted with 29 ayes, 9 nays and 11 not voting.

Mr. Bereuter moved the Call be raised. The motion prevailed.

Mr. Rasmussen offered the following amendment:

AMENDMENT TO LB 861

1. On page 13 insert "All deer permits issued to any person of the age of eighty or older shall authorize the killing of does on the last day of the season." at the end of line 8.

Mrs. Marsh offered the following amendment to the Rasmussen amendment:
Strike "age 80" and insert "age 75".

The amendment lost with 7 ayes, 16 nays and 26 not voting.

The Rasmussen amendment lost with 10 ayes, 16 nays and 23 not voting.

Laid over at the request of Speaker Burbach.

LEGISLATIVE BILL 833. Advanced to E & R for Engrossment.

MR. SIMPSON PRESIDING

LEGISLATIVE BILL 25. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 809. E & R amendments found in the Journal on page 938 for the Forty-second Day were adopted.

Mr. DeCamp renewed his pending amendment referred to in the Journal on page 927 for the Forty-first Day.

Amendment pending.

Mr. Schmit asked unanimous consent to add Mr. DeCamp's name to LB 809. No objections. So ordered.

PRESIDENT WHELAN PRESIDING

The pending DeCamp amendment referred to on page 927 for the Forty-first Day was adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Stoney offered the following amendment:

To amend LB 809 Sec. 4 by adding the following language:

Provided further that no hospital outside this State may become a member of said association nor may any risks outside this State be insured without the prior approval of the Director of Insurance.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

MR. SAVAGE PRESIDING

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 454A. E & R amendment found in the Journal on page 938 for the Forty-second Day was adopted.

Mr. Fitgerald offered the following amendment:
to amend LB 454A: page 2, line 17, strike "Cook" and insert "Cash"

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 688. E & R amendments found in the Journal on page 951 for the Forty-second day were adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 751. Placed on General File as amended.
Standing Committee amendments to LB 751:

1. On page 4, line 18, strike ", divorced,"; line 26 after "to" strike "his" and show as stricken.

2. On page 5, lines 3, 15, 18, and 27, strike "his" and show as stricken; line 3 after "limit" insert "advertize, solicit,"; line 6 strike "his" and insert "such individual's".

3. On page 6 line 25 after "training" insert ", or to follow any policy or procedure which in fact results in such practices without a valid business necessity".

4. On page 8, strike lines 6 through 27 showing all old matter as stricken.

5. On page 9 strike lines 1 and 2 showing theold matter as stricken.

6. On page 11, line 10 strike "Five" and insert "~~Five~~ Four"; line 15 after "receive" strike

"no" and insert "~~no~~ forty dollars per day as"; line 16 after "services" strike "but" and insert "~~but~~ and"; line 18 after the period insert "Reimbursement shall be for not more than two regular meetings per month and not more than three training sessions for any one fiscal year.".

7. On page 12, lines 26 and 27, strike the new matter.

8. On page 13, lines 1 and 2, strike the new matter; line 8 after "48-1125" insert ", including the sharing of information possessed by the commission on a case that has also been filed with the federal government or local agencies".

9. On page 17, line 18, after "agents" insert "may issue, or cause to be served, interrogatories and".

10. On page 18, line 3 after "persuasion," insert "the commission may order a public hearing. If such hearing is ordered,".

11. On page 20, line 3 strike "intentionally" and show as stricken; line 11 after the period insert "The commission may award cost of the public hearing and reasonable costs for attorney's fees.".

LEGISLATIVE BILL 856. Placed on General File as amended. Standing Committee amendments to LB 856:

1. On page 2, line 24, after "administrator," insert "personal representative, conservator, trustee,".

2. On page 3, after line 21, insert a new section as follows:

"Sec. 4. This act shall become operative on January 1, 1977.".

3. Renumber original section 4 as section 5.

LEGISLATIVE BILL 926. Placed on General File as amended. Standing Committee amendments to LB 926:

1. Strike original sections 1 to 4 and insert:

"Section 1. That section 42-358, Revised Statutes Supplement, 1975, be amended to read as follows:

42-358. (1) The court may appoint an attorney to protect the interests of any minor children of the parties. Such attorney shall be empowered to make independent investigations and to cause witnesses to appear and testify on matters pertinent to the welfare of the children. Following entry of any decree, the court having jurisdiction over the minor children of the parties may at any time appoint an attorney, as friend of the court, to initiate contempt proceedings for failure of any party to comply with an order of the court directing such party to pay temporary or permanent child support. The county attorney or his deputy may be appointed by the court for the purposes provided in this section.

(2) The clerks of the district courts shall maintain delinquency records in each case docketed in which child support is fixed by order of the court. Each month the clerk shall certify all ~~delinquent~~ cases of in which court-ordered child support is more than thirty ~~days' duration~~ days in arrears to the judge presiding over domestic relations cases. A rebuttable presumption of contempt shall be established if a prima facie showing is made that the court-ordered child support is in arrears for more than thirty days. In each case certified, if no action is pending for the collection of delinquent support payments, the court shall appoint an attorney to commence contempt of court proceedings. If the county attorney consents the county attorney or such county attorney's deputy may be appointed for such purpose. The contempt proceeding shall be instituted within ten days following appointment and the case shall be diligently prosecuted to completion. The court shall by order fix the fee, including disbursements, for such attorney, county attorney, or his or her deputy, which amount shall be taxed as costs and paid by the parties as ordered. Any fees allowed for the services of any county attorney or deputy county attorney shall be paid to the county treasurer who shall deposit such fees to the credit of the county general fund. ~~or, when there has been an appointment for prosecution of contempt proceedings, by the party found to be in contempt, unless~~ If the court finds the party responsible ~~is~~ an indigent, ~~and orders~~ the court may order the county to pay the costs.

(3) If, at the hearing, the person owing child support is called for examination as an adverse party and such person refuses to answer upon the ground that his or her testimony may be incriminating, the court may, upon the motion of the county attorney, require the person to answer and produce the evidence. In such a case the evidence produced shall not be admissible in any criminal case against such person nor shall any evidence obtained because of the knowledge gained by such evidence be so admissible.

(4) The court shall have authority to order access to all revenue information, maintained by the Department of Revenue or other agencies, concerning the income of persons liable or who pursuant to this act may be found liable to pay child support payments.

(5) Any person aggrieved by a determination of the court may appeal such decision to the Nebraska Supreme Court.

Sec. 2. Notwithstanding any other provision of law regarding the confidentiality of records and, when not prohibited by the federal Privacy Act of 1974, Public Law 93-579, 93rd Congress, each department and agency of state, county, and city government shall assist and cooperate with court-appointed individuals, the county attorney or such county attorney's deputy, pursuant to sections 42-358 to 42-358.07, in determining an absent parent's income and identifying an absent parent's employer, for the exclusive purpose of collecting child support. Information so obtained shall be used for no other purpose.

Sec. 3. That section 42-821, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-821. (1) During a period beginning upon the filing of the petition for reconciliation and continuing until thirty days after the hearing of the petition for conciliation, neither spouse shall file any action for divorce, annulment of marriage, or separate maintenance, except that for the purpose of protecting the minor children of the parties and the parties, the district courts shall have authority after proper notice to enter orders for temporary child support and temporary alimony, notwithstanding any such reconciliation proceedings.

(2) If, after the expiration of such period, the controversy between the spouses has not been terminated, either spouse may institute proceedings for divorce, annulment of marriage, or separate maintenance. The pendency of a divorce, annulment, or separate maintenance action shall not operate as a bar to the instituting of proceedings for conciliation under the provisions of sections 42-801 to 42-823 but if such action be pending before a petition for conciliation is filed the court may permit proceeding with such action at any time for good cause shown.

Sec. 4. That section 43-512.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-512.01. It shall be the duty of the county attorney, when a copy of the finding of investigation has been filed with him as provided in section 43-512, to immediately file complaint against the father or stepfather of the dependent child under section 28-449 whenever the recovery of child support appears to be practicable. ~~Failure of the county attorney to so act~~, ~~after copy of such investigation has been filed with him~~, ~~shall be ground for removal from office.~~

Sec. 5. The county attorney shall:

(1) On request by the Department of Public Welfare or the county division of public welfare file a petition against an absent parent in the district court praying for an order for child support in aid to dependent children cases when there is no existing child support order and on request by the child caretaker file a petition against an absent parent in the district court praying for an order for child support on behalf of children who are not recipients of aid to dependent children. After notice and hearing, the court shall adjudicate child support liability of the absent parent and enter an order accordingly;

(2) Enforce child support orders by citing the defendant for contempt or filing a criminal complaint; and

(3) Establish paternity and collect child support on behalf of children born out of wedlock.

Sec. 6. An action for child support may be brought in the district court separate and apart from any action for dissolution of marriage.

Sec. 7. The clerks of the district courts shall furnish the Department of Public Welfare information necessary to properly account for the child support payments transmitted to the department. The clerk of each district court shall negotiate and enter into a written agreement with the department to reimburse the county for seventy-five per cent of the costs incurred in carrying out the provisions of this act. Before funds are advanced for administrative expenses of the county attorney's office, the Director of Public Welfare and county attorney shall negotiate and enter into a written agreement regarding the determination of paternity and child support enforcement for the purpose of implementing the provisions of this act. Paternity shall be established when it can be determined that the collection of child support is feasible. The department shall reimburse the county for seventy-five per cent of the costs incurred in carrying out the provisions of this act. Such funds shall be added to the budgets of those county officials who have performed the services as called for in the cooperative agreements and carried over from year to year as required by law.

Sec. 8. Notwithstanding any other provisions of law regarding confidentiality of records, every department and agency of state, county, and city government shall assist and cooperate with the Department of Public Welfare in locating absent parents, determining an absent parent's income, and identifying an absent parent's employer for the exclusive purpose of collecting child support. Such information shall be used for no other purpose.

Sec. 9. The application for an acceptance of an aid to dependent children payment shall constitute an assignment of child support payments to the Department of Public Welfare up to the amount of aid to dependent children paid to the recipient. Upon receipt of notice from the department of such assignment of child support payments, each clerk of the district court shall transmit the payments received to the department in accordance with the cooperative agreement provided for in section 7 of this act. The clerk of the district court shall continue to transmit the payments for as long as the aid to dependent children payment continues and during suspension without closure. In no case shall such suspension continue for more than three months, except that the clerk shall transmit payments directly to the caretaker of the children during the period of suspension of aid to dependent children when so instructed in writing by the department. Any court-ordered child support remaining unpaid during the period of the assignment to the department shall constitute a debt collectible by the department as reimbursement for aid to dependent children payments made during the period of the assignment.

Sec. 10. The county attorney may intervene in or reopen any proceeding for dissolution of marriage, separate maintenance, or child support, for the purpose of securing an order for child support or amending an order for inadequate child support. Such proceedings shall be limited only to the determination of child support. The county attorney shall so act only when it appears that the children are not otherwise represented by counsel.

Sec. 11. A garnishment for the collection of child support may be filed in any jurisdiction where any property or credits of the defendant may be found irrespective of the residence of the creditors or the place where the debt is payable.

Sec. 12. This act shall be interpreted so as to facilitate the determination of paternity and child support enforcement.

Sec. 13. That original sections 42-821 and 43-512.01, Reissue Revised Statutes of Nebraska, 1943, and section 42-358, Revised Statutes Supplement, 1975, are repealed.

Sec. 14. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Roland A. Luedtke, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 733. Placed on Select File.
LEGISLATIVE BILL 647. Placed on Select File.

LEGISLATIVE BILL 296. Placed on Select File as amended.
E & R amendment to LB 296:

1. On page 2, line 7, strike "hold" and insert "~~hold~~ sit in".

LEGISLATIVE BILL 686. Placed on Select File as amended.
E & R amendment to LB 686:

1. In lieu of the Stoney amendment, in the Goodrich amendments, line 13, insert ", not to exceed twenty-five dollars," after "money".

LEGISLATIVE BILL 643. Placed on Select File.
LEGISLATIVE BILL 644. Placed on Select File.
LEGISLATIVE BILL 645. Placed on Select File.

LEGISLATIVE BILL 33. Placed on Select File as amended.
E & R amendments to LB 33:

1. On page 2, lines 1 and 2 and lines 21 and 22, and in the title, lines 2 and 3, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1975".
2. On page 2, at the end of line 20, insert "At the option of the terminating member, such annuity may

commence at any time after such member attains the age of sixty and before his sixty-fifth birthday on an actuarially reduced basis. Such election by the terminating member may be made at any time prior to the commencement of the annuity payments.".

LEGISLATIVE BILL 718. Placed on Select File.

LEGISLATIVE BILL 749. Placed on Select File as amended.
E & R amendment to LB 749:

1. On page 3, line 9, strike "then and in that event," and show as stricken.

LEGISLATIVE BILL 750. Placed on Select File.
LEGISLATIVE BILL 899. Placed on Select File.

LEGISLATIVE BILL 776. Placed on Select File as amended.
E & R amendment to LB 776:

1. In the title, strike lines 4 and 5 and insert "auditing; to provide an exception; and to".

LEGISLATIVE BILL 764. Placed on Select File as amended.
E & R amendment to LB 764:

1. In committee amendment 1, line 2, strike "3 of this act" and insert "71-4807".

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Mills asked unanimous consent to print the following amendments to LB 491 in the Journal. No objections. So ordered.

AMENDMENT TO FINAL READING BILL LB 491

1. Strike original section 1 and insert:

"Section 1. That section 39-6,191, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,191. ~~The owner or operator of a motor vehicle shall not be liable for any damages to any passenger or person riding in such motor vehicle as a guest or by invitation and not for hire, unless such damage is~~ No person who is related within the second degree of consanguinity to the owner or operator of a motor vehicle and who is being transported over the public highways of this state by the owner or operator of the motor vehicle as his guest without payment for such transportation, shall have a cause of action for damages against such owner or operator for injuries, death or loss, in case of accident, unless such accident shall have been intentional on the part of such owner or operator, caused by the driver of such motor vehicle being under the influence of intoxicating liquor, or because of the gross negligence of the owner or operator in the operation of such motor vehicle. There shall be no such immunity for an owner or operator who is not related to the guest within the second degree of consanguinity. For the purpose of this section, the term guest is hereby defined as being a person who accepts a ride in any motor vehicle without giving compensation therefor, but shall not be construed to apply to or include any such passenger in a motor vehicle being demonstrated to such passenger as a prospective purchaser.

Sec. 2. That original section 39-6,191, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. In the title strike lines 2 through 4 and insert:

"FOR AN ACT to amend section 39-6,191, Reissue Revised Statutes of Nebraska, 1943, relating to guest passengers; to change those guests to whom an owner or operator shall be liable to as prescribed; and to repeal the original section.".

ANNOUNCEMENT

Mr. Marvel announced an executive session of the Appropriations Committee in room 1003 at noon today.

RECESS

At 11:56 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m, Speaker Burbach presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cope, Hasebroock, R. Lewis, Nichol, Skarda, and Wiltse who were excused.

PRESIDENT WHELAN PRESIDING

SELECT FILE

LEGISLATIVE BILL 665. Mr. Koch asked unanimous consent to withdraw his specific amendment found in the Journal on page 904 for the Fortieth Day. No objections. So ordered.

Advanced to E & R for Engrossment.

MOTION—Return LB 665 to Select File

Mr. F. Lewis moved to return LB 665 to Select File for the following specific amendment:

On line 4 strike election and insert appointment on line 5 strike term of six years and insert until Jan. 1, 1979. Strike lines 7, 8, 9 and 10.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 665. The F. Lewis specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 861. Mr. Dworak offered the following amendment:

AMENDMENTS TO LB 861

1. Insert a new section 20 as follows:

"Sec. 20. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. Renumber original sections 20 and 21 as sections 21 and 22 respectively.

3. In the title, line 11, insert "to provide severability;" after the semicolon.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Speaker Burbach offered the following amendment:

AMENDMENT TO 861

1. On page 8, line 19, insert ", except that for a nonresident fishing permit valid only for fishing in the Missouri River or any lake thereof, the fee shall be three dollars for five days and ten dollars for an annual permit" after "year".

Mr. Dworak offered the following amendment to the Burbach amendment:

Strike $10 - insert $15 Strike 3 insert 5.

The Dworak amendment was adopted with 25 ayes, 2 nays and 22 not voting.

The Burbach amendment, as amended, was adopted with 25 ayes, 1 nay and 23 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 665 to Select File

Mr. Chambers moved to return LB 665 to Select File for the following specific amendment:

To amend LB 665: It shall be unlawful for any public power or public utility to pay any portion of the membership fee to any private organization, for any employee or board member.

Mr. Chambers moved for a Call of the House. The motion prevailed with 18 ayes, 3 nays and 28 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 24:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Dickinson
Fowler
Kennedy
Keyes
Koch
Kremer
Maresh
Marsh
Marvel
Mills
Murphy
Rasmussen
Stull
Swigart
Warner

Voting in the negative, 12:

Dworak
Fitzgerald
Goodrich
Johnson
F. Lewis
Mahoney
Moylan
Rumery
Savage
Schmit
Stoney
Syas

Not voting, 13:

Cope
DeCamp
Duis
George
Hasebroock
Kelly
Kime
R. Lewis
Luedtke
Nichol
Simpson
Skarda
Wiltse

The motion lost with 24 ayes, 12 nays and 13 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed.

MOTION–Return LB 861 to Select File

Mr. Koch moved to return LB 861 to Select File for the following specific amendment:

To strike the Mills Amendment to LB 861

The motion lost with 8 ayes, 16 nays and 25 not voting.

STANDING COMMITTEE REPORT
Labor

LEGISLATIVE BILL 989. Placed on General File as amended.
Standing Committee amendments to LB 989:

1. On page 2, after line 8, insert:

"Claim No. 003, against the Public Service Commission, pay to Star Warehousing Co., Box 2454 Station B, Lincoln, Nebraska, 68502, out of the General Fund 140.00

Claim No. 008, against the Department of Correctional Services, pay to Nebraska Penal Complex, Inmate Trust Fund, P. O. Box 81248, Lincoln, Nebraska, 68501, out of the General Fund and 1,956.85";

after line 12 insert:

"Claim No. 031, against the Board of Examiners for Professional Engineers and Architects, pay to Board of Examiners for Professional Engineers and Architects, out of the General Fund 7,750.08

Claim No. 032, against the Nebraska State Patrol, pay to Roy Van Winkle, 235 North Pine, Ainsworth, Nebraska, 69210, out of the General Fund 15,000.00".

2. On page 3 strike lines 4 through 7, 13 through 17, and 22 through 27.

3. On page 4 strike lines 10 through 21.

4. On page 5 after line 3 insert:

"Claim No. 135, against the Public Service Commission, pay to Shelton Grain Co., Inc., 400 East Louisana Street, McKinney, Texas, 75069, out of the General Fund 115.00

Claim No. 186, against the Public Service Commisison, pay to Central State Non-Stock Coop Assn., P. O. Box 966, Fremont, Nebraska, 68025, out of the General Fund 15.00

Claim No. 196, against the Department of Correctional Services, pay to Nebraska Penal Complex, Inmate Trust Fund, P. O. Box 81248, Lincoln, Nebraska, 68501, out of the General

Fund 161.00";
strike lines 8 through 27.

5. On page 6, strike lines 1 through 5 and lines 11 through 15.

(Signed) Richard Maresh, Chairman

MOTION—Bracket LB 809

Mr. Schmit moved to bracket LB 809 until after LB 703 has been heard on General File.

Mr. Schmit moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays and 25 not voting.

The Schmit motion to bracket LB 809 prevailed with 25 ayes, 7 nays and 17 not voting.

Mr. Schmit moved the Call be raised. The motion prevailed.

GENERAL FILE

LEGISLATIVE BILL 590. Mr. Murphy asked unanimous consent to bracket until Thursday, March 11, 1976. No objections. So ordered.

LEGISLATIVE BILL 819. Title read. Considered.

MR. SIMPSON PRESIDING

Standing Committee amendments referred to in the Journal on page 850 for the Thirty-eighth Day were adopted with 28 ayes, 1 nay and 20 not voting.

Mr. Schmit offered the following amendments:

AMENDMENT TO L.B. 819

1. Insert the following new sections:

"Sec. 2. (1) In addition to the provisions of Chapter 48, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, any person receiving or eligible to receive unemployment benefits with respect to any one week shall comply with the provisions of this section.

(2) Each person eligible for unemployment benefits shall register at his or her respective unemployment office before twelve o'clock noon on Monday of the week for which benefits are sought, at which time an attempt shall be made to secure employment. If employment cannot be secured from the register of regular job openings maintained at the

unemployment office, the individual shall be assigned a public service job from the list of such jobs maintained at the office.

(3) Such public service jobs may provide service to the state or any political subdivision of this state, and shall include, but not be limited to, clerical duties, janitorial work, assistance on conservation projects, street and highway sanitation, and any other services which may be required by the state or political subdivision.

(4) The individual shall be required to assume the duties of such public service job to which he or she has been assigned. The provisions of this section shall not apply when the physical or emotional condition of the individual or other good cause shown would render the individual incapable of assuming the duties of the assigned job or work some other hardship on the individual if he or she were to take the job.

(5) The individual shall not be required to work longer than forty hours on such public service job in any one week. Such individual shall, upon request and upon verification by the employer, be permitted time off from the duties of such public service to interview with a prospective employer.

(6) All individuals employed in public service jobs under the provisions of this act shall be paid at a rate at least equal to the current state minimum wage. Such individuals shall not be eligible for unemployment benefits.

Sec. 3. (1) Each week the Department of Labor and the labor division of each political subdivision shall submit to the unemployment office in the respective county a list of all public service jobs available in such county. The list shall give a brief description of the job in respect to duties, time of day, location, and other pertinent information.

(2) Nothing in this act shall be construed to restrict the state or any political subdivision of this state from employing on a regular basis such individual working on a public service job either at that job or at another available position. Such regular employment shall be subject to the conditions of employment required by the state or political subdivision or applicable provision of law.

Sec. 4. All individuals, except those persons not physically able, shall appear in person at the appropriate unemployment office, job service office, or itinerant Department of Labor office to receive his or her weekly public service job paycheck, or his or her weekly check for unemployment benefits.

Sec. 5. All agencies of state government and political subdivisions may use unemployed individuals for public service jobs. Any agency or political subdivision using such individuals shall pay one half of the total cost of such labor. The state shall (1) pay the remaining one half of the cost of the labor, (2) maintain all appropriate employment records, and (3) pay all individuals employed in public service jobs in accordance with section 3 of this act.

Sec. 6. There is hereby appropriated from the General Fund to the Department of Labor, Agency 23, Program 030, two million dollars to be used solely for payment of wages to public service employees.".

2. Renumber original section 2 as section 7.

PRESIDENT WHELAN PRESIDING

Mr. F. Lewis offered the following amendment to the Schmit amendment:
Section 6 line 18 strike two million insert five million

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 16:

Burrows Cavanaugh Chambers Fitzgerald Fowler
Goodrich Kelly Keyes Koch F. Lewis
Mahoney Maresh Moylan Murphy Simpson
Syas

Voting in the negative, 19:

Anderson Barnett Bereuter Carsten Clark
DeCamp Dickinson Duis Dworak Johnson
Kime Marvel Rasmussen Rumery Savage
Schmit Stoney Stull Warner

Not voting, 14:

Burbach Cope George Hasebroock Kennedy
Kremer R. Lewis Luedtke Marsh Mills
Nichol Skarda Swigart Wiltse

The amendment lost with 16 ayes, 19 nays and 14 not voting.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 15 nays and 14 not voting.

Mr. Kelly requested a record vote on the Schmit amendment:

Voting in the affirmative, 17:

Anderson Burbach Cavanaugh Chambers DeCamp
Fitzgerald Fowler George Keyes Kremer
F. Lewis Mahoney Maresh Rumery Savage
Schmit Simpson

Voting in the negative, 23:

Barnett Bereuter Carsten Clark Dickinson
Duis Dworak Kelly Kennedy Kime
Koch Luedtke Marsh Marvel Mills
Moylan Murphy Rasmussen Stoney Stull
Swigart Syas Warner

Not voting, 9:

Burrows Cope Goodrich Hasebroock Johnson
R. Lewis Nichol Skarda Wiltse

The Schmit amendment lost with 17 ayes, 23 nays and 9 not voting.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 873. Placed on General File as amended.
Standing Committee amendment to LB 873:

1. On page 2, strike lines 18 through 20, and insert:

"(3) Authentic American Indian arts and crafts shall mean any arts and crafts which are handcrafted by American Indians and made of natural materials, except those materials used as substitutes for natural materials declared to be protected or illegal to collect or possess;".

LEGISLATIVE BILL 876. Placed on General File as amended.
Standing Committee amendments to LB 876:

1. On page 9, line 21 after "corporation" insert ", or any association or organization".
2. On page 10, lines 2 and 14 after "corporation" insert ", association, or organization".

LEGISLATIVE BILL 882. Placed on General File as amended.
Standing Committee amendment to LB 882:

1. On page 3 lines 6 through 9, strike the new matter; line 10 strike "of their employment".

LEGISLATIVE BILL 624. Indefinitely postponed.
LEGISLATIVE BILL 658. Indefinitely postponed.

(Signed) Gary L. Anderson, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 794A. By Public Health & Welfare Committee: Kennedy, 21st District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 794, Eighty-fourth Legislature, Second Session, 1976; and to declare an emergency.

LEGISLATIVE BILL 782A. By Kime, 43rd District; DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 782, Eighty-fourth Legislature, Second Session, 1976.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 711. Placed on Select File as amended.
E & R amendments to LB 711:

1. On page 2, line 8, insert a comma after "cultural"; and in line 15 strike "include" and insert "state".
2. In the Chambers amendment, insert "Page 2," before "lines".
3. On page 3, line 1, insert a comma after "cultural".
4. On page 4, strike line 3 and insert "department of the city shall"; and in lines 6 and 7 strike "of the metropolitan class".

LEGISLATIVE BILL 757. Placed on Select File.

LEGISLATIVE BILL 805. Placed on Select File as amended.
E & R amendment to LB 805:

1. In the title, line 3, strike "requirement" and insert "requirements"; and in line 4 strike "on public hearings".

LEGISLATIVE BILL 920. Placed on Select File.

LEGISLATIVE BILL 794. Placed on Select File as amended.
E & R amendments to LB 794:

1. On page 2, before line 1, insert:
"Section 1. That section 84-1326.01, Revised Statutes Supplement, 1975, be amended to read as follows:"; in line 1 strike "Section 1." and insert:
"84-1326.01."; in line 3 strike "has been" and insert "is"; in line 4 strike "any" and insert "a community"; in line 8 insert "any" after "and"; and in line 9 insert "the" after "to", as in the statutes.

2. In committee amendment 1, line 2, strike "of his employee's" and insert "in his employee" as in the statutes.

3. On page 2, line 24, and page 3, line 25, insert "community" after the first "a".

4. On page 4, line 5, strike "in the area of" and insert "for"; and insert an underscored period after "subdivision" in line 21 and strike the rest of the sentence.

5. In committee amendment 3, lines 1 and 2, strike "to the nearest"; in line 2 strike "on or before"; and in line 3 insert "of" after "time".

6. On page 5, line 5, insert "a community" after "or".

7. Strike committee amendment 4 and on page 5 insert a new section to read:
"Sec. 5. That original section 84-1326.01, Revised Statutes Supplement, 1975, is repealed.".

8. In the title, line 2, insert "to amend section 84-1326.01, Revised Statutes Supplement, 1975," after "ACT"; and in line 7 insert "to repeal the original section;" after the semicolon.

LEGISLATIVE BILL 859. Placed on Select File.

LEGISLATIVE BILL 671. Placed on Select File as amended.
E & R amendments to LB 671:

1. On page 4, line 7, strike "to" and insert "for".

2. In lieu of the Kelly amendments, on page 4 lines 6 and 13, insert "for nonaviation purposes" after "leases"; and in line 14 insert "land and land improvements." after "for" and strike the rest of the sentence.

3. In the title, line 5, insert "provide for" after "to".

Correctly Enrolled

The following bills were correctly enrolled: 676, 684, 756, 768, 884, 944, 812, 971, and 971A.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 676, 684, 756, 768, 884, 944, 812, 971, and 971A.

UNANIMOUS CONSENT—Member Excused

Mr. Duis asked unanimous consent to be excused Tuesday, March 9, 1976. No objections. So ordered.

MOTION—Place LB 505 on General File

Mr. Fowler moved to place LB 505 on General File, pursuant to Rule 3, Sec. 10b.

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 819. Considered.

Mr. Syas offered the following amendment:

1. On page 2, insert a new section as follows:

"Section 1. That section 48-624, Revised Statutes Supplement, 1975, be amended to read as follows:

48-624. An individual's weekly benefit amount shall be in the amount appearing in Column B in the table in this section on the line on which, in Column A of such table, there appear the total wages paid to such individual for insured work, in that quarter, of his base period, in which such total wages were highest.

UNEMPLOYMENT BENEFIT TABLE

Column A Wages Paid in Highest Quarter Of Base Period	Column B Weekly Benefit Amount
$ 200.00 through $ 250.00	$12.00
250.00 through 300.00	14.00
300.01 through 350.00	16.00

350.01 through 400.00	18.00
400.01 through 450.00	20.00
450.01 through 500.00	22.00
500.01 through 550.00	24.00
550.01 through 600.00	26.00
600.01 through 650.00	28.00
650.01 through 700.00	30.00
700.01 through 750.00	32.00
750.01 through 800.00	34.00
800.01 through 850.00	36.00
850.01 through 900.00	38.00
900.01 through 950.00	40.00
950.01 through 1,000.00	42.00
1,000.01 through 1,050.00	44.00
1,050.01 through 1,100.00	46.00
1,100.01 through 1,150.00	48.00
1,150.01 through 1,200.00	50.00
1,200.01 through 1,250.00	52.00
1,250.01 through 1,300.00	54.00
1,300.01 through 1,350.00	56.00
1,350.01 through 1,400.00	58.00
1,400.01 through 1,450.00	60.00
1,450.01 through 1,500.00	62.00
1,500.01 through 1,550.00	64.00
1,550.01 through 1,600.00	66.00
1,600.01 through 1,650.00	68.00
1,650.01 through 1,700.00	70.00
1,700.01 through 1,750.00	72.00
1,750.01 through 1,800.00	74.00
1,800.01 through 1,850.00	76.00
1,850.01 through 1,900.00	78.00
1,900.01 ~~and over~~ through 1,950.00	80.00
1,950.01 through 2,000.00	82.00
2,000.01 through 2,050.00	84.00
2,050.01 through 2,100.00	86.00
2,100.01 through 2,150.00	88.00
2,150.01 and over	90.00”.

2. On page 7 after line 8 insert a new section as follows:

“Sec. 3. That section 48-669, Revised Statutes Supplement, 1975, be amended to read as follows:

48-669. With respect to any claimant for whom there is current a benefit year, which has not expired prior to ~~June 1, 1975~~ the effective date of this act, the base period on which the right to receive benefits was computed shall remain the same, but if the wages paid in the highest quarter of the base period were in excess of the amount necessary to receive the maximum weekly benefit amount prior to ~~June 1, 1975~~ the effective date of this act, then, and only then, the weekly benefit amount and maximum annual benefit amount shall be redetermined under sections 48-624 to 48-626 on claims for weeks subsequent to ~~June 1, 1975~~ the effective date of this act within the remainder of such current benefit year.".

3. On page 7, line 9 strike "section 48-628" and insert "sections 48-624, 48-628, and 48-669,"; line 10 strike "is" and insert "are".

4. Renumber original sections 1 and 2 as sections 2 and 4, respectively.

Mr. Mahoney offered the following amendment to the Syas amendment:
Amend page 2 of Syas amendment strike lines 25 and 26.

The Mahoney amendment was adopted with 15 ayes, 14 nays and 20 not voting.

Mr. Syas moved for a Call of the House. The motion lost with 8 ayes, 23 nays and 18 not voting.

Mr. Mahoney requested a roll call vote on the Syas amendment, as amended.

Voting in the affirmative, 13:

Burrows Cavanaugh Fitzgerald Fowler Goodrich
F. Lewis Luedtke Mahoney Moylan Rumery
Savage Simpson Syas

Voting in the negative, 26:

Anderson Barnett Bereuter Burbach Carsten
Clark DeCamp Dickinson Duis Dworak
Johnson Kelly Kennedy Kime Koch
Maresh Marsh Marvel Mills Murphy
Rasmussen Schmit Stoney Stull Swigart
Warner

Not voting, 10:

Chambers Cope George Hasebroock Keyes
Kremer R. Lewis Nichol Skarda Wiltse

The Syas amendment, as amended, lost with 13 ayes, 26 nays and 10 not voting.

Mr. Cavanaugh offered the following amendment:
Pg 4 strike line 18 and new matter on line 19.

Amendment pending.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 783. Placed on General File as amended.
Standing Committee amendments to LB 783:

1. On page 2 line 7 strike "for hire"; line 13 strike "for hire" and show as stricken.
2. On page 5, line 22 after "Legislature" strike "held in an" and show as stricken; strike line 23 and show as stricken; in line 24 strike all matter through the period and show as stricken and insert "and shall terminate on December 31 of that year.".

LEGISLATIVE BILL 905. Placed on General File as amended.
Standing Committee amendment to LB 905:

1. On page 2, strike original section 2 and insert a new section to read as follows:

"Sec. 2. The study shall provide an analysis of the American Indian population in Nebraska, differentiating between reservation and rural and urban groups. The study shall also provide descriptive information for the American Indian population in the state including, but not limited to, such information required to ascertain the educational, health, and employment needs of the American Indian population.".

LEGISLATIVE BILL 956. Placed on General File.

(Signed) Gary L. Anderson, Chairman

REFERENCE COMMITTEE REPORT

LEGISLATIVE BILL 832. Re-referred from the Judiciary Committee to the Miscellaneous Subjects Committee.

(Signed) Eugene T. Mahoney, Chairman

ADJOURNMENT

At 4:34 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, March 9, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

FORTY-FOURTH DAY—MARCH 9, 1976

FORTY-FOURTH DAY—MARCH 9, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 9, 1976

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God of us all, may the members of this legislative body keep ever before them the high responsibility which is theirs. They have an unprecedented challenge; may they make appropriate responses and continually to develop into statesmen. May their debates ever be upon issues, rather than upon human personalities. Give this body the vision to have courage for greatness. May they respond to their challenges, living neither in their vacuum of futility or the gold fish bowl of exhibitionism. Guide them to live as responsible, elected officials, with courage, integrity, vision, cool minds and compassionate hearts. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Duis, Nichol, Skarda, Swigart, and Wiltse who were excused; and Mr. Koch who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 976, line 12, correct spelling of "Fitzgerald".
Page 958, line 22 add "Cope" at end of the line.
The Journal for the Forty-third Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

March 8, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 239, 426, 503, 721, 798, and 977.

These bills were signed by me on March 6, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

March 8, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 519.

This bill was signed by me on March 8, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

COMMUNICATION

Acknowledged receipt of Resolution from State of New Mexico regarding restrictions on federal expenditures. (Filed in the Clerk's office.)

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 9, 1976, at 8:35 a.m., were the following bills: 676, 684, 756, 768, 884, 944, 812, 971, and 971A.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 25, 454A, 688, 752, and 833.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Expedite LB 805

Mr. Rasmussen asked unanimous consent to expedite LB 805. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. Rasmussen asked unanimous consent to be excused for 15 minutes. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 634. With Emergency.

A BILL FOR AN ACT to amend sections 90-203, 90-204, and 90-206, Revised Statutes Supplement, 1975, relating to specific conveyances; to authorize a lease agreement between the Department of Administrative Services and the North Platte, Nebraska Hospital Corporation; to provide for appropriations as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. Rumery requested a roll call vote.

Voting in the affirmative, 31:

Anderson
Barnett
Burrows
Carsten
Cavanaugh
Chambers
Cope
DeCamp
Fitzgerald
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Mills
Moylan
Murphy
Rumery
Savage
Schmit
Stull
Syas

Voting in the negative, 8:

Bereuter
Clark
Dworak
Fowler
Marsh
Marvel
Simpson
Stoney

Not voting, 10:

Burbach
Dickinson
Duis
Koch
Nichol
Rasmussen
Skarda
Swigart
Warner
Wiltse

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 27:

Anderson
Burrows
Carsten
Cavanaugh
Cope
DeCamp
Fitzgerald
Goodrich
Hasebroock
Johnson
Kelly
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Mills
Moylan
Murphy
Rumery
Savage
Schmit
Stull
Syas

Voting in the negative, 7:

Bereuter
Clark
Dworak
Marsh
Marvel
Simpson
Stoney

Not voting, 15:

Barnett
Burbach
Chambers
Dickinson
Duis
Fowler
George
Kennedy
Koch
Nichol
Rasmussen
Skarda
Swigart
Warner
Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 634A. Mr. Rumery moved to return LB 634A to Select File for the following specific amendment:

1. Add a new section to read:

"Sec. 2. Program No. 902. Subsequent to the program statement approval by the Governor, the Department of Administrative Services is authorized to develop physical plans and complete renovation of the St. Mary's Hospital Building with a total project cost not to exceed $676,000, which amount shall include utilities and maintenance cost for the first fiscal year of occupancy.

There is hereby appropriated $676,000 from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1977, to complete the renovation and occupancy of the St. Mary's Hospital Building."

2. Renumber original section 2 as section 3.

The motion prevailed with 27 ayes, 7 nays and 15 not voting.

LEGISLATIVE BILL 652.

A BILL FOR AN ACT to amend sections 83-161 and 83-162, Reissue Revised Statutes of Nebraska, 1943, relating to state agencies; to change the membership on the Nebraska Commission on Alcoholism; to delete provisions for a per diem; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Barnett
Bereuter
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Murphy
Rumery
Savage
Schmit
Simpson
Stoney
Stull
Syas
Warner

Voting in the negative, 0.

Not voting, 8:

Burbach
Duis
Marvel
Nichol
Rasmussen
Skarda
Swigart
Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 692. With Emergency.

A BILL FOR AN ACT to amend sections 71-1,132.11 and 71-1,132.20, Revised Statutes Supplement, 1975, relating to nursing; to provide that the Board of Nursing shall set fees as prescribed; to provide duties of the board; to delete a requirement for approval; to provide provisions for acquiring a credential in an expanded role; to repeal the original sections, and also section 71-1,132.23, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Anderson	Barnett	Bereuter	Burrows	Carsten
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Dworak	Fitzgerald	George	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Rumery	Savage	Schmit
Simpson	Stoney	Stull	Syas	Warner

Voting in the negative, 0.

Not voting, 9:

Burbach	Chambers	Duis	Fowler	Nichol
Rasmussen	Skarda	Swigart	Wiltse	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 786. With Emergency.

A BILL FOR AN ACT to amend section 77-202.03, Revised Statutes Supplement, 1974, relating to taxation; to provide an extension of the filing date for tax-exempt status; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson
Barnett
Bereuter
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Rumery
Savage
Schmit
Simpson
Stoney
Stull
Syas
Warner

Voting in the negative, 0.

Not voting, 7:

Burbach
Duis
Nichol
Rasmussen
Skarda
Swigart
Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 795. With Emergency.

A BILL FOR AN ACT relating to flood control; to provide exemptions from the construction of artificial obstructions in floodways or flood plains; to authorize the preparation of maps as prescribed; to provide procedures for approval and modification of such maps; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Barnett
Bereuter
Burrows
Carsten
Cavanaugh
Cope
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Murphy
Rasmussen
Rumery
Savage
Schmit
Simpson
Stoney
Stull
Warner

Voting in the negative, 1:

Syas

Not voting, 12:

Anderson Burbach Chambers Clark DeCamp
Dickinson Duis Marvel Nichol Skarda
Swigart Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 795A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 795, Eighty-fourth Legislature, Second Session, 1976; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Barnett Bereuter Burrows Carsten Cavanaugh
Cope DeCamp Dworak Fitzgerald Fowler
Goodrich Hasebroock Johnson Kelly Kennedy
Kime Koch Kremer F. Lewis R. Lewis
Luedtke Mahoney Maresh Marsh Mills
Moylan Murphy Rasmussen Rumery Savage
Schmit Simpson Stoney Syas Warner

Voting in the negative, 1:

Keyes

Not voting, 13:

Anderson Burbach Chambers Clark Dickinson
Duis George Marvel Nichol Skarda
Stull Swigart Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 817. Mr. Murphy moved to return LB 817 to Select File for the following specific amendment:
On Page 2 line 15 – strike "five" and insert "seven"

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 12 nays and 19 not voting.

Mr. Stull asked unanimous consent to be excused at this time and for the remainder of the week. No objections. So ordered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay and 20 not voting.

The Murphy motion to return LB 817 to Select File lost with 17 ayes, 21 nays and 11 not voting.

Mr. Kelly moved to return LB 817 to Select File for the following specific amendment:
On page 2 line 15 strike "five" and insert "six"

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays and 15 not voting.

The Kelly motion lost with 17 ayes, 22 nays and 10 not voting.

Mr. Chambers moved to bracket LB 817 on Final Reading. The motion prevailed with 28 ayes, 13 nays and 8 not voting.

MESSAGE FROM THE GOVERNOR

March 8, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 683 and 743.

These bills were signed by me on March 8, 1976 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 869. Replaced on Select File as amended.

E & R amendments to LB 869:

1. Renumber sections in the Bereuter amendments as sections 2 to 5 and original section 2 as section 6.

2. In the title, strike lines 2 to 4 and insert:

"FOR AN ACT relating to funds; to create two new funds
and specify the source and use thereof; to
provide duties;".

LEGISLATIVE BILL 759. Placed on Select File as amended.

E & R amendments to LB 759:

1. In the Goodrich amendments, page 4, line 20, strike "from" and insert "on".

2. Strike the Goodrich amendments 3 and 4.

3. In the title, line 4, insert "; to amend section 84-304 and 84-321, Revised Statutes Supplement, 1974; to provide additional duties; and to repeal the original sections" after "bonds".

LEGISLATIVE BILL 839. Placed on Select File as amended.

E & R amendment to LB 839:

1. In the title, line 2, strike the first comma and insert "and"; in lines 2 and 3 strike "and 60-1608"; in line 5 strike "a" and insert "and obtain the annual"; and in line 6 insert "to provide an operative date;" after the semicolon.

LEGISLATIVE BILL 758. Placed on Select File as amended.

E & R amendment to LB 758:

1. On page 2, line 19, insert "for any expenditures" after "fund"; and in line 24 strike ", if" and insert "~~, if~~ if,".

LEGISLATIVE BILL 803. Placed on Select File as amended.

E & R amendment to LB 803:

1. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT relating to schools; to provide for the
distribution of school district funds by
the county treasurer.".

LEGISLATIVE BILL 775. Placed on Select File as amended.
E & R amendment to LB 775:

1. In the title, line 6, insert "except" after "appraiser".

LEGISLATIVE BILL 999. Placed on Select File as amended.
E & R amendments to LB 999:

1. On page 2, line 8, insert "Lancaster County," after the comma.

2. In the title, line 2 strike "the release of a"; and in line 3 strike "interest" and insert "interests" and strike "release" and insert "sell and convey".

LEGISLATIVE BILL 847. Placed on Select File as amended.
E & R amendments to LB 847:

1. In committee amendments, page 1, line 13, strike the first "of".

2. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT relating to the Department of Aeronautics; to authorize the department to contract with the Civil Air Patrol as prescribed; and to repeal section 81-829.67 and 81-829.68, Revised Statutes Supplement, 1974.".

LEGISLATIVE BILL 995. Placed on Select File.

LEGISLATIVE BILL 858. Placed on Select File as amended.
E & R amendment to LB 858:

1. In committee amendments, page 2, line 5, strike "procedure for issuing" and insert "time for serving"; and in line 6 insert "to change the time for trial;" after the first semicolon.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 874. Placed on General File as amended.
Standing Committee amendments to LB 874:

1. On page 2, insert a new section as follows:

"Section 1. That section 59-1601, Revised Statutes Supplement, 1974, be amended to read as follows:

59-1601. For purposes of sections 59-1601 to 59-1622, unless the context otherwise requires:

(1) Person shall mean natural person,

corporations, trusts, unincorporated associations and partnerships;

(2) Trade and commerce shall mean the sale of assets or services, and any commerce directly or indirectly affecting the people of the State of Nebraska; ~~and~~

(3) Assets shall mean any property, tangible or intangible, real, personal, or mixed, and wherever situated, and any other thing of value; and

(4) Attorney General shall mean the Attorney General of the State of Nebraska, or a county attorney acting under written consent of the Attorney General or Deputy Attorney General.”.

2. On page 3, line 3 strike “actual damages or”; strike lines 17 and 18; and reletter subdivisions (e) and (f) as subdivisions (d) and (e) respectively.

3. On page 4 after line 17 insert the following:

“(5) At least ten days prior to the commencement of any action brought under this section, except when a temporary restraining order is sought, the Attorney General shall notify the person of his intended action, and give such person an opportunity to confer with the Attorney General, in person or by counsel or other representative, as to the proposed action. Such notice shall be given the person by mail, postage prepaid, directed to his usual place of business, or if he maintains no usual place of business, to his last-known address.”.

4. On page 4, before line 18 insert a new section as follows:

“Sec. 3. That section 59-1609, Revised Statutes Supplement, 1974, be amended to read as follows:

59-1609. (1) Any person who is injured in his business or property by a violation of sections 59-1602 to 59-1606, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of sections 59-1603 to 59-1606, may bring a civil action in the district court to enjoin further violations, to recover the actual damages sustained by him, or both, together with the costs of the suit, including a reasonable attorney’s fee, and the court may in its discretion, increase the award of damages to an amount which bears a reasonable relation to the actual damages which have been sustained and which damages are not susceptible of measurement by ordinary pecuniary standards; Provided, that such increased award for violation of section 59-1602 shall not exceed one thousand dollars. For the purpose of this section, person shall include the counties, municipalities, and all political subdivisions of this state.

(2) Whenever the State of Nebraska is injured by reason of a violation of sections 59-1603 to 59-1606, it may sue therefor in the district court to recover the actual damages sustained by it and to recover the costs of the suit including a reasonable attorney's fee.

(3) In any proceeding brought under this section, the Attorney General shall be served with a copy of the petition.".

5. On page 6, line 22 after "prohibited" strike "or regulated" and show as stricken; line 26 after "59-1602" insert ", except section 59-1608".

6. On page 7 strike lines 1 through 3 and show as stricken; line 4 after "sections" insert "59-1601," and after "59-1608," insert "59-1609,".

7. Renumber original section 1 as section 2, and renumber original sections 2 to 4 as sections 4 to 6, respectively.

8. In the title line 2 after "sections" insert "59-1601," and after "59-1608," insert "59-1609,"; line 4 after the semicolon insert "to define terms;"; line 9 after the semicolon insert "to provide additional procedures;".

LEGISLATIVE BILL 966. Placed on General File as amended.
Standing Committee amendments to LB 966:

1. Strike original sections 1 and 2 and insert:

"Section 1. That section 53-123.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-123.03. A beer distributor's license shall allow the wholesale purchase, importation and storage of beer and sale of the brand or brands described in such license to licensees in this state except bottle club licensees, in the sales territory prescribed in the license for each brand, and to such persons without the state as may be permitted by law; and shall allow the licensee to do all things incident to the carrying on of the wholesale beer business. The license shall designate the territory within which the licensee may sell the designated product of any brewer as agreed upon by the licensee and the brewer of such products.

Sec. 2. (1) It shall be unlawful for any beer distributor to deliver beer to any retail licensee located outside the geographic territory designated on the beer distributor's license.

(2) If any person shall violate the provisions of subsection (1) of this section such person's license shall be suspended or revoked by the commission in the manner provided by law for revocation or suspension for other violations of the laws of the state.

Sec. 3. That original section 53-123.03, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Gary L. Anderson, Chairman

Appropriations

LEGISLATIVE BILL 871. Placed on General File as amended.
Standing Committee amendments to LB 871:

1. On page 2, lines 15 and 17 strike "rehabilitation" and insert "~~rehabilitation~~ jail operations"; in line 16 after "of" insert "law"; in lines 17 through 20 strike the new matter; in line 22 strike "such funds by"; in lines 23 and 24 strike "and the Commisison on Indian Affairs".

2. Insert the following new sections:

"Sec. 2. As used in this act unless the context otherwise requires, land shall mean real property.

Sec. 3. Each county in which an Indian reservation is located shall receive an equal share of the funds paid out in accordance with this act for each reservation within the county.

Sec. 4. There shall be paid out of the state treasury on the warrant of the Director of Administrative Services the equivalent of one half of thirty mills on the dollar of the assessed value of all land held in trust by the United States government for the benefit of Indians in any such county to be used for the purposes of alcohol rehabilitation. The Commission on Indian Affairs shall use such funds only for the purpose of assisting alcohol rehabilitation programs.

Sec. 5. The Commission on Indian Affairs may participate in alcohol rehabilitation programs with any nonprofit organization.".

3. Renumber original section 2 as section 6.

(Signed) Richard Marvel, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Warner asked unanimous consent to be excused at 10:45 a.m. until noon. No objections. So ordered.

MOTION—Unbracket LB 809

Mr. Cavanaugh moved to unbracket LB 809 on E & R Final.

Mr. Cavanaugh moved for a Call of the House. The motion lost with 18 ayes, 18 nays and 13 not voting.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 17:

Burrows
Cavanaugh
Dworak
Fitzgerald
Fowler
Goodrich
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Mills
Moylan
Rumery
Savage
Simpson
Syas

Voting in the negative, 21:

Anderson
Barnett
Bereuter
Carsten
Clark
Cope
DeCamp
Dickinson
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
Marsh
Murphy
Rasmussen
Schmit
Stoney

Not voting, 11:

Burbach
Chambers
Duis
George
Marvel
Nichol
Skarda
Stull
Swigart
Warner
Wiltse

The Cavanaugh motion lost with 17 ayes, 21 nays and 11 not voting.

SELECT FILE

LEGISLATIVE BILL 805. E & R amendment found in the Journal on page 992 for the Forty-third Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Bracket LB 782

Mr. Kime asked unanimous consent to have LB 782 bracketed until Monday, March 15, 1976. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 733. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 647. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 296. E & R amendment found in the Journal on page 982 for the Forty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 686. E & R amendment found in the Journal on page 982 for the Forty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 643. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 644. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 645. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 33. E & R amendments found in the Journal on page 982 for the Forty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 718. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 749. E & R amendment found in the Journal on page 983 for the Forty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 750. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 899. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 776. E & R amendment found in the Journal on page 983 for the Forty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 764. E & R amendment found in the Journal on page 983 for the Forty-third Day was adopted.

Mr. Stull offered the following amendment:

1. On page 2, lines 7 through 10 strike the new matter and reinstate the stricken matter.

Amendment pending.

Bracketed until Monday, March 15 at the request of Mr. Bereuter.

LEGISLATIVE BILL 711. E & R amendments found in the Journal on page 992 for the Forty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 757. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 920. Laid over until Monday, March 15 at the request of Mr. Kime.

PRESENTATION

President Whelan introduced Colonel Joe H. Engle, astronaut, pilot and engineer from Texas, to the Legislature.

President Whelan presented an Admiralship in the Nebraska Navy to Col. Engle on behalf of the Governor and the State of Nebraska. Col. Engle addressed the members briefly.

SELECT FILE

LEGISLATIVE BILL 794. E & R amendments found in the Journal on page 993 for the Forty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 859. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 671. E & R amendments found in the Journal on page 993 for the Forty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 634A. The Rumery specific amendment found in this day's Journal was renewed.

Mr. Rumery moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays and 31 not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed.

The Rumery specific amendment was adopted with 26 ayes, 5 nays and 18 not voting.

Advanced to E & R for Re-engrossment.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 799. Placed on General File as amended. Standing Committee amendments to LB 799:

1. On page 10, line 22 strike the underscored comma and insert "physically go into each agency of state government and".

2. On page 11 strike original section 17.

3. On page 12 insert new sections as follows:

"Sec. 18. There is hereby created within the office of the Legislative Fiscal Analyst the position of Legislative Performance Auditor. The Legislative Fiscal Analyst shall, subject to the approval of the Executive Board of the Legislative Council, employ and fix the salary of the Legislative Performance Auditor.

Sec. 19. The Legislative Performance Auditor shall analyze the performance, management, and accomplishments of the programs of government. Such analysis may contain information pertaining to personnel policies, organizational structure, performance comparisons with preestablished standards, compliance with legislative intent, program effectiveness, opinions, and recommendations as considered appropriate for the improvement of operations of government. The Legislative Performance Auditor may contract for services deemed necessary to carry out the duties of the office with the approval of the Executive Board of the Legislative Council.

Sec. 20. After the Legislative Performance Auditor has examined the programs and operations of state government as provided in section 18 of this act such auditor shall document his or her findings and recommendations in the form of a report to be submitted to the Executive Board of the Legislative Council. Such report shall place special emphasis on programs objectives and the actions taken to accomplish such objectives. Additional copies of such report shall upon request, be available to any member of the Legislature, the Auditor of Public Accounts, the Department of Administrative Services, any agency, and to any other interested person.

Sec. 21. (1) The report submitted by the Legislative Performance Auditor shall include:

(a) The scope of the program analysis;

(b) The criteria considered and standards used in the analysis;

(c) The findings and evaluations relative to the program;

(d) Any recommendations; and

(e) Any other information deemed necessary by the Legislative Performance Auditor.

(2) Each agency shall be provided an opportunity to examine and review the report filed by the performance auditor and may file a written response to such report with the performance auditor. Such written response shall be submitted to the Executive Board as part of the report filed by such auditor.

Sec. 22. The Executive Board of the Legislative Council shall review the methods, procedures, and standards used by the Legislative Performance Auditor.".

4. Strike original sections 36 and 37.

5. On page 25 insert a new section to read as follows:

"Sec. 40. That section 84-304, Revised Statutes Supplement, 1974, be amended to read as follows:

84-304. It shall be the duty of the Auditor of Public Accounts:

(1) To give information in writing to the Legislature, whenever required, upon any subject relating to the fiscal affairs of the state, or in regard to any duty of his office;

(2) To furnish offices for himself and all fuel, lights, books, blanks, forms, paper, and stationery required for the proper discharge of the duties of his office; and

(3) To examine, or cause to be examined, at such time as he shall determine, books, accounts, vouchers, records, and expenditures of all state officers, state bureaus, state boards, state commissioners, state library, societies and associations supported by the state, state institutions, state colleges, and the University of Nebraska, except when required to be performed by other officers or persons, and to report promptly to the Director of Administrative Services the fiscal condition shown by such examinations, including any irregularities or misconduct of officers or employees, any misappropriation or misue of public funds or property, and any improper system or method of bookkeeping or condition of accounts; and to this end the Auditor of Public Accounts shall, ~~with the approval of the Legislature,~~ appoint an expert accountant (a) whose entire time shall be devoted to the service of the state as directed by the auditor, (b) who shall be a man of recognized qualifications in his profession,

with at least five years' experience, (c) who shall be selected without regard to party affiliation or to his place of residence at the time of his appointment, (d) who shall promptly report in duplicate to the auditor the fiscal condition shown by each examination, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property and any improper system or method of bookkeeping or condition of accounts, and it shall be the duty of the auditor to file promptly with the Governor a duplicate of such report, and (e) who shall qualify by taking an oath, which oath shall be filed in the office of the Secretary of State. ; and

~~(4) To analyze or cause to be analyzed, at such time as he shall determine or upon request by the Legislature, the performance, management, and accomplishments of the programs of all state officers, state bureaus, state boards, state commissioners, state library, societies and associations supported by the state, state institutions, state colleges, and the University of Nebraska, and report all findings of such analysis to the Legislature. The Auditor of Public Accounts shall, upon the approval of the Legislature, appoint an analyst (a) whose time shall be devoted to the service of the state as directed by the auditor, (b) who shall be recognized for experience in management, investigations, and good business practices, with at least ten years' experience, (c) who shall be selected without regard to party affiliation or to his place of residence at the time of his appointment, (d) who shall promptly report in such a manner as the auditor may require, information pertaining to personnel policies, organizational structure, comparisons of performance with preestablished standards, identification and analysis of problem areas, comparison of performance to legislative intent, determination of program effectiveness, and such comments and recommendations as considered appropriate for improved operations of government, and (e) who shall file an oath in the office of the Secretary of State. The auditor shall file a duplicate of such report with the agency affected and with the Legislature.~~".

6. On page 25, line 18 strike "and" and insert "," and after "50-401.02," insert "and 84-304,".

7. Renumber original section 18 as section 17, sections 19 to 35 as sections 23 to 39 respectively, and section 38 as section 41.

LEGISLATIVE BILL 875. Indefinitely postponed.

(Signed) Gary L. Anderson, Chairman

VISITORS

The President introduced 19 seniors from Giltner, Nebraska and instructor; 29 eighth grade students and teacher from Clay Center, Nebraska.

RECESS

At 11:50 a.m., on a motion by Mr. Carsten, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Stull, Swigart, and Wiltse who were excused.

COMMUNICATION

STATE OF NEBRASKA
Agricultural Products Industrial Utilization Committee
Room 101, Lancaster Building
231 South 14th Street, Lincoln, Nebraska 68508

March 8, 1976

Vince Brown
Clerk of the Legislature
Legislative Council
Room 2018
State Capitol

Dear Clerk Brown:

I am pleased to provide the Nebraska Legislature with a copy of the Committee's First Annual Report for the 1974-1975 Fiscal Year as required by state law. Although this report is late, it took quite some time to check old records and reports to see whether any prior annual reports had ever been filed. I found no prior annual reports filed in our records. I also have no knowledge of such reports being filed with the Clerk of the Legislature. If you have such knowledge, please let me know.

Would it be possible to have this letter or notice of filing this report read into the daily journal?

A biennial report will be forthcoming to the Executive Board of the Legislative Council. This report will cover the Committee's activities since its inception in 1971. This is being done so as to have a complete recorded account of the Committee's work for its own purposes as well as for the Executive Board.

Thank you for your cooperation.

Respectfully yours,

(Signed) Charles R. Fricke
Administrator

CRF/iiu
Enc.
(Report on file in the Clerk's office.)

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1005. Placed on Select File.
LEGISLATIVE BILL 898. Placed on Select File.

LEGISLATIVE BILL 961. Placed on Select File as amended.
E & R amendments to LB 961:

1. For correlation purposes, on page 1, line 2, insert ", as amended by section 5, Legislative Bill 619, Eighty-fourth Legislature, Second Session, 1976" after "1943"; and in line 7 strike "(6)" and insert "(5)".

2. For correlation purposes, on page 2, line 9, insert ", as amended by section 7, Legislative Bill 619, Eighty-fourth Legislature, Second Session, 1976" after "1943"; in line 12 strike "(6)" and insert "(5)"; in line 15 strike "(3),"; in line 16 strike "(4)" and insert "(3)"; and in line 18, strike "(5)" and insert "(4)".

3. On page 5, strike lines 20 to 22 and insert:

"Sec. 5. That original sections 1-135 and 1-136, Reissue Revised Statutes of Nebraska, 1943, and sections 1-119 and 1-124, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 5 and 7, respectively, Legislative Bill 619, Eighty-fourth Legislature, Second Session, 1976, are repealed.".

4. In the title, strike lines 2 and 3 and insert:

"FOR AN ACT to amend sections 1-135 and 1-136, Reissue Revised Statutes of Nebraska, 1943, and section 1-119 and 1-124, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 5 and 7, respectively, Legislative Bill 619, Eighty-fourth Legislature, Second Session, 1976,"; and in line 7 insert "to change management provisions;" after the semicolon.

LEGISLATIVE BILL 974. Placed on Select File.
LEGISLATIVE BILL 990. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 819. Considered.

Mr. Cavanaugh renewed his pending amendment found in the Journal on page 997 for the Forty-third Day.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 18 ayes, 14 nays and 17 not voting.

The Call showed 46 members present.

Mr. Cavanaugh requested a roll call vote on the amendment:

Voting in the affirmative, 18:

Anderson
Burrows
Cavanaugh
Chambers
Fitzgerald
Fowler
Goodrich
Keyes
F. Lewis
Luedtke
Mahoney
Marsh
Moylan
Rumery
Savage
Simpson
Skarda
Syas

Voting in the negative, 27:

Barnett
Bereuter
Burbach
Carsten
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
George
Hasebroock
Johnson
Kelly
Kennedy
Kime
Koch
Kremer
R. Lewis
Maresh
Marvel
Mills
Murphy
Rasmussen
Schmit
Stoney
Warner

Not voting, 4:

Nichol
Stull
Swigart
Wiltse

The amendment lost with 18 ayes, 27 nays and 4 not voting.

Mr. Savage moved the Call be raised. The motion prevailed.

Mr. Kelly offered the following amendment:
On page 5 line 9 strike "for retirement or retainer" on line 10 strike "benefits".

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 34 ayes, 2 nays and 13 not voting.

MOTION–Unbracket LB 724

Mr. Duis moved to unbracket LB 724.

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

VISITORS

Speaker Burbach recognized the former members of the Legislature visiting today. The present Senators introduced the former members from their districts.

The members stood for a moment of silent prayer in memory of former Clerk of the Legislature, Hugo F. Srb, and former members of the Legislature.

GENERAL FILE

LEGISLATIVE BILL 631. Title read. Considered.

Standing Committee amendments found in the Journal on page 715 for the Thirty-first Day were considered.

Mr. Cavanaugh moved the adoption of amendment (B) printed in the Journal on page 886 for the Thirty-ninth Day by Mr. Koch to the Standing Committee amendments.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays and 17 not voting.

Mr. Cavanaugh requested a record vote on his above amendments.

Voting in the affirmative, 10:

Cavanaugh
Fitzgerald
Goodrich
Mahoney
Moylan
Nichol
Savage
Skarda
Stoney
Syas

Voting in the negative, 30:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Chambers
Clark
DeCamp
Dickinson

Duis Dworak Fowler George Johnson
Kelly Kennedy Keyes Koch F. Lewis
R. Lewis Luedtke Maresh Marsh Marvel
Mills Murphy Rasmussen Rumery Warner

Not voting, 9:

Cope Hasebroock Kime Kremer Schmit
Simpson Stull Swigart Wiltse

The amendments lost with 10 ayes, 30 nays and 9 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 9, 1976, at 2:50 p.m., was the following bill: 724.

(Signed) Janet Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 805.

Correctly Enrolled

The following bills were correctly enrolled: 634, 652, 692, 786, 795, and 795A.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 634, 652, 692, 786, 795, and 795A

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 647. Replaced on Select File as amended.
E & R amendment to LB 647:
1. On page 3, strike the sentence beginning in line 3.

LEGISLATIVE BILL 806. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 125.

Introduced by Government, Military, and Veterans Affairs Committee: Rasmussen, 41st District, Chairman.

WHEREAS, the citizens of Nebraska should receive the very best in fire prevention and fire fighting techniques to protect their lives and property; and

WHEREAS, this quality of service can best be provided by competent well-trained persons skilled in fire fighting techniques; and

WHEREAS, the best training for such persons may be provided by specialized institutions of training and education within our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's committee on Government, Military and Veterans Affairs conduct an interim study of the feasibility and workability of establishing a Nebraska Fire Service Training Agency and Fire Training Academy.
2. That the committee make a report of its findings together with its recommendations for possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 126.

Introduced by Government, Military, and Veterans Affairs Committee: Rasmussen, 41st District, Chairman.

WHEREAS, the Nebraska State Library Commission provides many services for the people of Nebraska as well as other agencies of state government; and

WHEREAS, the Commission is conducting experimental programs which may have a significant impact on the services they render as well as the cost of such services; and

WHEREAS, the statutory requirements for distribution of materials provided at no charge by other state agencies to the Commission has posed an increasing burden upon the budgets of some of these agencies; and

WHEREAS, some controversy has developed as of late concerning what other agencies of government might better be able to perform some of the functions of the Commission now being performed by the agency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Committee on Government, Military and Veterans Affairs conduct an interim study of the Nebraska State Library Commission and its function.
2. That the committee examine the programs and services now offered by the Commission with a view toward the possible improvement of such services by the restructure of the Commission or redistribution of its functions.
3. That the Committee make a report of its findings together with any recommendations it may have for possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 127.

Introduced by Government, Military and Veterans Affairs Committee: Rasmussen, 41st District; Chairman.

WHEREAS, the state of Nebraska owns buildings of undetermined value; and

WHEREAS, the condition of these buildings is unknown to the Legislature; and

WHEREAS, proper maintenance of these buildings has been questionable, unsystematic and not of a preventative nature; and

WHEREAS, a system of preventative maintenance would provide self-renewal and prolonged life for these buildings instead of replacement of these facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE, SECOND SESSION:

(1) That the Government, Military and Veterans Affairs standing committee of the Legislature of the State of Nebraska undertake an interim study to ascertain:

(a) The current replacement cost of state-owned buildings;

(b) The degree and purpose of building maintenance now being carried on at major buildings owned by the State of Nebraska;

(c) The current and proposed maintenance surveillance by the State Building Division of the Department of Administrative Services; and

(d) Critical maintenance projects requiring immediate attention.

(2) That the committee, with the aid of maintenance expertise, visit state-owned buildings and on or before December 1, 1976, submit a report of its findings and recommendations for institution of a system of

preventative maintenance and present any proposed legislation that will assure appropriate preventative maintenance of state-owned buildings.

Referred to the Executive Board.

COMMUNICATION

Acknowledged receipt of Resolution from the Omaha City Council regarding LB 863. (Resolution on file in the Clerk's Office.)

ANNOUNCEMENT

Mr. Anderson announced an executive session of the Miscellaneous Subjects Committee on Wednesday, March 10, 1976 at 1:30 p.m. under the North balcony.

ADJOURNMENT

At 4:36 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, March 10, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

FORTY-FIFTH DAY—MARCH 10, 1976

FORTY-FIFTH DAY—MARCH 10, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 10, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, our loving Father, we pray Thou wouldst give the motivation to each member of this assembly that they be not frustrated or anxious because of issues facing them, but that each to his ability may live up to his God-given capacity. Preserve them from faithless fears and foolish anxieties. May they be sensitive to that inner spark of celestial fire called conscience. May no clouds of rationalization or moral evil hide the light of Thy will from their lives. In our Master's name we pray. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Stull and Swigart who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-fourth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Rasmussen asked unanimous consent to be excused at 10:30 a.m. until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 128.

Introduced by Public Health and Welfare Committee: Kennedy, 21st District; R. Lewis, 38th District; Kelly, 35th District; Cavanaugh, 9th District; Moylan, 6th District; Fowler, 27th District; Maresh, 32nd District.

WHEREAS, Public Law 93-641, the National Health Planning and Resources Development Act, requires each of the several states to enact state legislation requiring the issuance of a "certificate of need" before new institutional health services can be offered or developed; and

WHEREAS, the First Session of the 85th Nebraska Legislature will face the necessity of taking timely action on this issue; and

WHEREAS, the continued availability of health services for all areas of Nebraska will be vitally affected by any legislative action in this area; and

WHEREAS, the opinions, expertise and assistance of Nebraska's health care industry as well as the consumer public are required for the formulation and implementation of a workable and effective "certificate of need" statute; and

WHEREAS, federal regulations in their final form outlining the required elements for a state "certificate of need" law, satisfactory to the Secretary of Health, Education and Welfare, are expected to be published within the next 120 days.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee shall, subsequent to the publication of final federal regulations governing state "certificate of need" statutes, conduct two public hearings for the purpose of receiving input for health care providers and the public regarding the formation and implementation of a "certificate of need" law governing the initiation of new institutional health services in the State of Nebraska.
2. That one such hearing shall be conducted in Lincoln, and the other in Kearney to assure a cross section of opinion.
3. That subsequent to the hearings, and in advance of the convening of the First Session of the 85th Nebraska Legislature, the Public Health and Welfare Committee shall prepare a suggested draft certificate of need bill to be considered for introduction in the 85th Nebraska Legislature.

Referred to the Executive Board.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 626. With Emergency.

A BILL FOR AN ACT to amend section 72-253, Reissue Revised Statutes of Nebraska, 1943, relating to school lands; to authorize the Board of Educational Lands and Funds to exchange parcels of land; to provide for the sale of certain lands as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	DeCamp
Dickinson	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Chambers	Duis	Johnson	Mahoney	Stull
Swigart				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 642. Mr. Maresh asked unanimous consent to bracket LB 642 until March 11, 1976. No objections. So ordered.

Messrs. Kremer and R. Lewis asked unanimous consent to be excused at 10:30 a.m. until noon. No objections. So ordered.

LEGISLATIVE BILL 670.

A BILL FOR AN ACT to amend section 72-728, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Hall of Fame Commission; to permit the naming of four individuals to the hall in 1976; to change a qualification; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Bereuter
Burbach
Burrows
Carsten
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Warner
Wiltse

Voting in the negative, 1:

Cavanaugh

Not voting, 6:

Barnett
Fitzgerald
Kennedy
Stull
Swigart
Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 715. With Emergency.

A BILL FOR AN ACT to amend section 2-3216, Revised Statutes Supplement, 1975, relating to natural resources; to specify which types of activities a director may have a pecuniary interest in; to provide exceptions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Stull	Swigart

A constitutional two-thirds majority having voted in the affirmative, the bill was declared pass with the emergency clause and the title agreed to.

LEGISLATIVE BILL 722. Mr. Rumery asked unanimous consent to bracket LB 722 until Friday, March 12, 1976. No objections. So ordered.

LEGISLATIVE BILL 820. With Emergency.

A BILL FOR AN ACT to amend section 87-302, Revised Statutes Supplement, 1974, relating to the Uniform Deceptive Trade Practices Act; to redefine unfair trade practice; to provide for required proof; to provide a limitation on when civil or criminal actions may be brought; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kremer	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Chambers Kime Koch Mahoney Stull
Swigart

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 846.

A BILL FOR AN ACT to amend section 60-410, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle operators' licenses; to provide an exemption for certain full-time students as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Clark Cope
DeCamp Dickinson Duis Dworak Fitzgerald
Fowler George Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kime Koch
Kremer F. Lewis R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Mills Moylan
Murphy Nichol Rasmussen Rumery Savage
Schmit Simpson Skarda Stoney Syas
Warner Wiltse

Voting in the negative, 0.

Not voting, 2:

Stull Swigart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 877.

A BILL FOR AN ACT to amend sections 71-147, 71-149, 71-155, 71-156, and 71-159, Reissue Revised Statutes of Nebraska, 1943, and section 71-1,104, Revised Statutes Supplement, 1975, relating to health licensure; to provide additional grounds for denial, refusal of renewal, suspension or revocation of a professional license; to define conviction; to provide alternatives to suspension or revocation of licenses; to provide for reinstatement; to allow continuing education to be a condition for relicensure; to permit voluntary surrender or limitation of licenses; to allow the denial, limitation, suspension or revocation of licenses because of physical or mental illness, deterioration or disability; to provide for automatic suspension for mental illness as prescribed; to provide immunity; to provide for proof from foreign medical graduates; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson Bereuter Burbach Carsten Cavanaugh
Chambers Clark Cope DeCamp Dickinson
Duis Dworak Fitzgerald Fowler George
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kime Koch Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Mills Moylan Murphy Nichol
Rasmussen Rumery Savage Schmit Simpson
Skarda Stoney Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 4:

Barnett Burrows Stull Swigart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 868. With Emergency.

A BILL FOR AN ACT to amend section 77-27,144, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,132, Revised Statutes Supplement, 1975, relating to revenue and taxation; to provide that the

State Treasurer set the amount of the Tax Refund Fund as prescribed; to provide for placement of the collection fee in the General Fund; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 4:

Anderson
F. Lewis
Stull
Swigart

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 994.

A BILL FOR AN ACT to amend section 79-1032, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1044, 79-1056, 79-1056.01, 79-1056.02, and 79-1056.03, Revised Statutes Supplement, 1974, relating to schools; to provide retirement benefits for members of a retirement system in a Class V school district who retire or terminate their employment after August 31, 1976; to change the rate and amount of contributions as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson
Barnett
Bereuter
Burbach
Burrows

Carsten
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Koch
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 4:

Kime
R. Lewis
Stull
Swigart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1004. With Emergency.

A BILL FOR AN ACT to make appropriations and reappropriations for previously authorized capital construction projects; to amend section 77-2602, Revised Statutes Supplement, 1974, as amended by section 67, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975; to provide severability; to repeal the original section, and also section 22, Legislative Bill 609, Eighty-fourth Legislature, First Session, 1975, sections 38, 40 to 48, 50, 52, 56 to 66, 68, and 72, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, sections 34 and 42, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, and section 50, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, as amended by section 11, Legislative Bill 529, Eighty-fourth Legislature, First Session, 1975; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to prodedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
DeCamp
Duis
Dworak
Fitzgerald
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Syas
Warner
Wiltse

Voting in the negative, 2:

Dickinson	George

Not voting, 4:

Kennedy	Marvel	Stull	Swigart

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 194

March 8, 1976

Dear Senator Anderson:

We have reviewed LB 956. We understand the intent of the bill is to authorize the release of data maintained in computer files, when the data is a public record in its original form. Under the current statutory scheme data in a computer file may not be released. As we understand your question and the introducer's statement, LB 956 is intended to correct this situation. Similar questions have been raised by Senator Cavanaugh. A copy of our letter to Senator Cavanaugh is enclosed. A copy of this letter has also been sent to Senator Cavanaugh.

As drafted LB 956 in part provides in section 1, ". . . except that data which is a public record in its original form shall remain a public record when maintained in computer files." Section 3 provides for the inspection of public records. We point out that section 1 still fails to specifically provide that the Director or the Data Processing Administrator may release data which is a public record when maintained in computer files.

While it has been the policy to refrain from drafting legislation, we are making an exception in this instance to aid in solving present problems.

If the intent of LB 956 is to authorize the release by the Director of Administrative Services or the Data Processing Administrator of data which is a public record in its original form, when it is maintained in computer files, the statute should specifically provide that authority. With that in mind we would suggest that the intent of LB 956 is not sufficiently accomplished either as drafted nor in the proposed amendments.

Were section 1 of LB 956 amended by inserting at page 2, line 10, after pertains:

> "provided that the Data Processing Administrator or the Director of Administrative Services shall release data maintained in computer files which is a public record as defined by law in its

> original form. The Director of Administrative Services or the Data Processing Administrator may release nonpublic records to a public agency when it is determined that a public agency requires such data in the performance of its official duties and such record in its original form may be disclosed to that public agency."

The proposed language is offered for your consideration and possible adoption.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smh
Enc.
cc: Mr. Vincent Brown
Clerk of the Legislature

Senator John Cavanaugh, III
Member of the Legislature

Opinion No. 195
March 8, 1976

Dear Senator Cavanaugh:

Some time ago you asked several questions relating to the problems posed by public records maintained in computer files. At the time of your request you indicated that you were interested in drafting legislation to clarify some of the problems that have arisen. Since that time two bills have been introduced relating to the disclosure of public records and the problems of data stored in computer file form. In answering your questions we have taken the liberty of considering LB 788 and LB 956.

It has been our policy to refrain from drafting proposed legislation. However, the present situation involves a great deal of controversy, misunderstanding and confusion even though everyone seems to agree upon the desired result. In the interest of resolving these problems we deem it appropriate to make a special exception and depart from our established policy.

In addition to your request for an opinion relating to the disclosure of public records, Senator Anderson has requested an opinion on LB 956. We have responded to his request and we enclose with this letter a copy of that response. We will send Senator Anderson a copy of this letter.

It is our understanding from the history of legislation in this area that the aim is twofold. First, to protect the individual's right to privacy, and second, to facilitate the release of public records. Thus the dilemma, how to facilitate the public right of access to public records while restricting inappropriate release of data stored in computers. A description of public records is required as a basis for resolution of this problem. There are certain areas of agreement by all parties. As examples, but not limitations it seems to be agreed that the name and salary of state employees should be public records, and that the records of agency expenditures for the purchase of goods and service should be public records.

Beyond these three areas mentioned in your request for our opinion, it may be said that a public record is one that is kept by virtue of a duty imposed by law upon an agency or officer which is not expressly or by necessary implication made confidential, privileged, or private by statute. A further definition of public records is contained in Section 81-1117.04, 1975 Supp. The amendment proposed by LB 956 is more broad in its range although we question its practical effect. The exception now provided in "except as otherwise provided by law" LB 956, provides "except as otherwise expressly provided by statute." If this is an attempt to restrict judicial action it is questionable. With these definitions it may be said that all records generated by state officers or agencies are public except where made private, confidential or priveleged(sic) by law. Prior to the enactment of LB 472 no impediment existed to disclosing these records. After enactment, although still public records, computer files containing these records could not be released. The records are available from the officers responsible for generating them but not from the computer file.

Historically, the State of Nebraska has implemented public access to public records. As early as 1886 the Supreme Court in State v. Meeker, 19 Neb. 106, 26 N.W. 620 (1886), compelled a clerk of a district court to disclose the records of his office. The statute at that time provided:

> "All citizens of this state and all other persons interested in the examination of public records are hereby fully empowered and authorized to examine the same free of charge during the hours the respective offices may be kept open for the ordinary transaction of business."

That early statute with minor modification survives today as sec. 84-712, R.R.S. 1943.

We have reviewed your bill LB 788, 84th Legislature, Second Session, which proposes a separate body to pass upon the questions that arise with regard to access to records maintained by public entities and the rights of those individuals about whom information is maintained and LB 956 which amends secs. 81-1117.02, 81-1117.04 and 84-712.

LB 956 as we point out in our letter to Senator Anderson to solve present problems should be amended to read in section 1:

> "provided that the Data Processing Administrator or the Director of Administrative Services shall release data maintained in computer files which is a public record as defined by law in its

> original form. The Director of Administrative Services or the Data Processing Administrator may release nonpublic records to a public agency when it is determined that the public agency requires such data in the performance of its official duties and such record in its original form may be disclosed to that public agency."

The amendment proposed for consideration would make clear that DAS is under the same obligation to provide access to public records as other officers and agencies. We would recommend the proposed language for consideration and possible adoption to clear up the problems under the present statutes.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smh
Enc.
cc: Mr. Vincent D. Brown
Clerk of the Legislature

Senator Gary Anderson
Member of the Nebraska Legislature

Opinion No. 196
March 9, 1976

Dear Senator DeCamp:

We have reviewed your proposed amendments to LB 779. You ask whether either of your alternatives 1 or 2 violate the provisions of the Constitution, specifically Article III, Sections 22 and 25, and Article XIII, Section 1. In discussing your questions, we will deal first with Alternative No. 1.

LB 779 is intended to authorize the Game and Parks Commission to enter into contracts with the federal government under the Federal Water Projects Recreation Act of 1965 and provisions of the Water Resources Development Act of 1974. Your first alternate amendment proposes that:

> "... The Game and Parks Commission is authorized to enter into all necessary agreements with the United States for the acquisition, development, operation, maintenance and replacement of fish, wildlife, and recreation lands and facilities and all things pertaining thereto on all water resource development projects and to bear the separable costs allocated to

> said purposes in the proportion specified by such Act, as amended, and to pay or repay such costs in accordance with the terms of such agreement."

To the extent that Alternative No. 1 seeks to authorize the Game and Parks Commission to enter into an agreement which would bind the state to pay sums beyond the year in which an appropriation is made, it would be in violation of the restriction of Article III, Section 22, in that each Legislature is independently responsible for making the appropriations necessary to the operation and conduct of government. Any contract that purports to bind the Legislature to make a particular appropriation would be in violation of this section.

Alternative No. 2 provides in part:

> "... The Game and Parks Commission is hereby authorized and empowered to perform, within the limits of available funding, such acts as may be necessary to administer, operate, maintain, and replace land and water areas for recreation or fish and wildlife purposes or for both of such purposes in accordance with the provisions of such Act as amended. Said Commission is further authorized to agree in writing, subject to funds being made available therefor, to bear the separable costs of federal projects allocated to either or both of said purposes in the proportion specified by such Act, as amended, and to pay or repay such costs in accordance with the terms of such agreement." (Emphasis added.)

This alternative amendment presents a slightly different problem in that it can be read to say that the Commission is authorized to agree in writing after funds have been made available for the purposes specified. If it is the intent of the amendment that no agreements be entered into until an appropriation has been made for such a project, then we see no difficulty with this language. However, if it is the intent, as we understand your letter, that the Game and Parks Commission may enter into an agreement in advance of an appropriation, subjecting the effectiveness of the agreement to in fact securing an appropriation from the Legislature, then the language of Alternative No. 2 presents a problem of interpretation.

Alternative No. 2 appears to us to be constitutionally permissible if it is clear that an agreement entered into by the Game and Parks Commission is to be made contingent upon securing the appropriation required to effect the agreement. Alternative No. 2 provides two separate powers for the Game and Parks Commission. First, they are authorized to perform necessary acts for the administration, operation, and maintenance or replacement of land and water areas for fish and wildlife recreation. Secondly, they are authorized to agree to bear certain costs of federal projects as provided by the acts mentioned above. We find no difficulty with the first power given to the Commission under Alternative No. 2 in that it specifically limits the Game and Parks Commission to act pursuant to appropriation presently made. However, we feel that the second power granted may be more broad than is constitutionally permissible. As drafted, the language is not clear as to whether the Commission may enter into the agreements absent any funding or only after such funding is available. Were it clear in the amendment that any agreements that may be entered into must be contingent upon appropriative action by the Legislature, then our opinion would be that the power granted is probably constitutionally valid.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AMENDMENT TO FINAL READING BILL 642

1. Insert a new section to read as follows: "Sec. 3. If any owner or deliverer of any grain to any public warehouse shall seek judicial relief to secure that which such owner or deliverer is entitled, such person shall have his or her reasonable attorney's fees and the cost of the proceeding paid by the warehouseman. If the warehouseman, against whom judicial proceedings have been instituted, shall be found not liable, the individual who instituted such proceedings shall pay the warehouseman's attorney's fees and the costs of the action.".
2. Renumber original section 3 as section 4.
3. In the title, line 13 after the semicolon insert "to provide for recovery of attorney's fees and court costs;".

SELECT FILE

LEGISLATIVE BILL 869. E & R amendments found in the Journal on page 1007 for the Forty-fourth Day were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 759. E & R amendments found in the Journal on page 1007 for the Forty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 839. E & R amendment found in the Journal on page 1007 for the Forty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 758. E & R amendment found in the Journal on page 1007 for the Forty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 803. E & R amendment found in the Journal on page 1007 for the Forty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 775. E & R amendment found in the Journal on page 1008 for the Forty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 999. E & R amendments found in the Journal on page 1008 for the Forty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 847. E & R amendments found in the Journal on page 1008 for the Forty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 995. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 858. E & R amendment found in the Journal on page 1008 for the Forty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1005. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 898. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 961. E & R amendments found in the Journal on page 1019 for the Forty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 974. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 990. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 647. E & R amendment found in the Journal on page 1022 for the Forty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 806. Mr. Fowler asked unanimous consent to bracket LB 806 until Monday, March 15, 1976. No objections. So ordered.

MOTION—Place LB 505 on General File

Mr. Fowler renewed his pending motion found in the Journal on page 994 for the Forty-third Day to place LB 505 on General File notwithstanding the inaction of the committee.

Mr. Fowler moved for a Call of the House. The motion prevailed with 20 ayes, 12 nays and 17 not voting.

The Call showed 47 members present.

Mr. Fowler requested a roll call vote.

Voting in the affirmative, 24:

Anderson	Barnett	Bereuter	Burrows	Chambers
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Hasebroock	Johnson	Kime	Koch
Kremer	R. Lewis	Maresh	Marvel	Mills
Moylan	Rumery	Schmit	Warner	

Voting in the negative, 23:

Burbach	Carsten	Cavanaugh	Clark	Cope
Dickinson	Goodrich	Kelly	Kennedy	Keyes
F. Lewis	Luedtke	Mahoney	Marsh	Murphy
Nichol	Rasmussen	Savage	Simpson	Skarda
Stoney	Syas	Wiltse		

Not voting, 2:

Stull	Swigart

The Fowler motion to place LB 505 on General File lost with 24 ayes, 23 nays and 2 not voting.

LB 505 stands indefinitely postponed.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

UNANIMOUS CONSENT—Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 819 in the Journal. No objections. So ordered.

AMENDMENT TO LB 819, AS AMENDED

1. In the Standing Committee amendment to LB 819, referred to in Journal page 850, on page 9 of the amendment after line 2 insert new sections as follows:

"Sec. 4. Each employer shall pay all wages and benefits due its employees on regular pay days designated by the employer or agreed upon by the employer and employee.

Sec. 5. (1) If any employee, who has not received wages or benefits due him as provided in section 4 of this act, must seek judicial relief to secure such unpaid wages or benefits, such employee shall have his reasonable attorney's fees and the costs of the proceedings paid by the employer. Such attorney's fees shall be set by the judge which fees shall be not less than twenty-five per cent of the amount of wages or benefits due the employee.

(2) Any employer who shall fail, for any reason, to pay wages and benefits due an employee within thirty days of the regular pay day designated or agreed upon, shall, if ordered by the court, pay into the court a sum equal to twice the amount of wages and benefits due the employee, one half of which sum shall be delivered to the employee, and one half shall be paid into the school funds pursuant to section 79-1301.

(3) If the employer, against whom judicial proceedings have been instituted, shall be found not to have violated the provisions of this act, the employee who instituted such proceedings shall pay the employer's attorney's fees and the costs of the action.

Sec. 6. The provisions of sections 4 and 5 of this act shall not apply to political subdivisions, corporations which are regulated under existing federal or state laws, or farmers and ranchers who are subject to the provisions of Chapter 48, article 6.".

2. Renumber original sections 4 and 5 as sections 7 and 8, respectively.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 10, 1976, at 10:00 a.m., were the following bills: 634, 652, 692, 786, 795, and 795A.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 33, 296, 643, 644, 645, 686, 718, 733, 749, 750, 776, and 899.

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 631. Considered.

Mr. Dickinson offered the following amendment to the Standing Committee amendment:

On Committee amendments page 2, strike line 26 and Insert "Busing ordered by Federal Courts for Integration purposes."

The amendment was adopted with 16 ayes, 0 nays and 33 not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendments:

Page 1 line 19 Para 1. Strike "by" and insert "pursuant to"

The amendment was adopted with 18 ayes, 0 nays and 31 not voting.

Mr. Koch moved to amend the Standing Committee amendments with his amendments (A) and (B) found in the Journal on page 886 for the Thirty-ninth Day.

Mr. Skarda moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays and 19 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Call showed 44 members present.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 18:

Cavanaugh
Fitzgerald
Fowler
Goodrich
Keyes
Koch
F. Lewis
Mahoney
Marsh
Moylan
Nichol
Rumery
Savage
Schmit
Skarda
Stoney
Syas
Warner

Voting in the negative, 24:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Hasebroock
Johnson
Kennedy
Kime
Luedtke
Maresh
Marvel
Mills
Murphy
Simpson
Wiltse

Not voting, 7:

George
Kelly
Kremer
R. Lewis
Rasmussen
Stull
Swigart

The Koch amendments (A) and (B) lost with 18 ayes, 24 nays and 7 not voting.

Mr. Wiltse moved the Call be raised. The motion prevailed.

Mr. Burrows offered the following amendment to the Standing Committee amendments:

To Amend the Koch amendment to provide $100,000 to buy buses for the Adams School District.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay and 23 not voting.

The Burrows amendment lost with 5 ayes, 16 nays and 28 not voting.

Mr. Dworak offered the following amendment to the Standing Committee amendments:

Notwithstanding other provisions of law, Before the State of Nebraska shall contribute State Aid to cover the costs of buses and busing to meet Federal Court orders for integration, all taxable real property situated in a city affected by such a court order shall first of all share equally in underwriting said costs. To help further this end the Douglas County

Election Commissioner shall place before all voters residing within the city limits of Omaha. The following proposition, to be voted upon at the next general election after the passage of this act:

> "Shall the entire area within the City Limits of Omaha be placed under control of the Class V School Board of Omaha?
> Yes________ No________ ?

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 3 nays and 26 not voting.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 6 nays and 15 not voting.

Mr. R. Lewis moved for a Call of the House. The motion lost with 14 ayes, 20 nays and 15 not voting.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 13:

Anderson	Barnett	Burrows	Chambers	Clark
DeCamp	Dworak	Fitzgerald	Fowler	Maresh
Murphy	Schmit	Syas		

Voting in the negative, 14:

Carsten	Cope	Dickinson	George	Goodrich
Koch	F. Lewis	Mahoney	Moylan	Rumery
Savage	Skarda	Stoney	Warner	

Not voting, 22:

Bereuter	Burbach	Cavanaugh	Duis	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	R. Lewis	Luedtke	Marsh	Marvel
Mills	Nichol	Rasmussen	Simpson	Stull
Swigart	Wiltse			

The Dworak amendment lost with 13 ayes, 14 nays and 22 not voting.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 984. Placed on General File as amended.

Standing Committee amendments to LB 984:
(Amendments printed separate from the Journal and on file in the Clerk's office. Req. No. 2700)

(Signed) Richard Marvel, Chairman

Labor

LEGISLATIVE BILL 988. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

ANNOUNCEMENT

Mr. Marvel announced an executive session of Appropriations Committee at 4:30 p.m. in room 1003.

UNANIMOUS CONSENT–Print in Journal

Mr. Mills asked unanimous consent to print the following amendment to LB 819 in the Journal. No objections. So ordered.

AMENDMENT TO LB 819, WHITE COPY
1. On page 4 of the amended bill line 13
after "receiving" strike "or" and insert "~~or~~ ,", and
after "received" insert ", or has applied to receive";
in lines 18 and 19 strike the new matter.
Strike all new language on
Page 3, Lines 2 through 8

VISITORS

The President introduced 23 personnel and supervisor from Parks and Recreation Program, Lincoln; 45 fourth grade students and teachers from Millard, Nebraska; and 20 ninth graders and juniors and teachers from Hastings, Nebraska.

RECESS

At 11:51 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Stull and Swigart who were excused and Messrs. Rasmussen and R. Lewis who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 626, 670, 715, 820, 846, 868, 877, 994, and 1004.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 626, 670, 715, 820, 846, 868, 877, 994, and 1004.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 690. Placed on General File as amended.
Standing Committee amendments to LB 690:
(Amendments printed separate from the Journal and on file in the Clerk's office. Req. No. 2698)

LEGISLATIVE BILL 691. Placed on General File as amended.
Standing Committee amendments to LB 691:
(Amendments printed separate from the Journal and on file in the Clerk's office. Req. No. 2692)

LEGISLATIVE BILL 972. Placed on General File as amended.
Standing Committee amendments to LB 972:
(Amendments printed separate from the Journal and on file in the Clerk's office. Req. No. 2699)

UNANIMOUS CONSENT—Member Excused

Mr. Murphy asked unanimous consent to be excused the remainder of today. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 631. Considered.

Standing Committee amendments found in the Journal on page 715 for the Thirty-first Day were considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays and 19 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays and 25 not voting.

The Call showed 45 members present.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 25:

Barnett Burbach Cavanaugh Cope Dickinson
Fitzgerald Fowler Goodrich Keyes Koch
Kremer F. Lewis R. Lewis Luedtke Mahoney
Marsh Moylan Nichol Rumery Savage
Schmit Skarda Stoney Syas Warner

Voting in the negative, 20:

Anderson Bereuter Burrows Carsten Chambers
Clark DeCamp Duis Dworak George
Hasebroock Johnson Kelly Kennedy Kime
Maresh Marvel Mills Simpson Wiltse

Not voting, 4:

Murphy Rasmussen Stull Swigart

The Standing Committee amendments were adopted with 25 ayes, 20 nays and 4 not voting.

Mr. Anderson moved the Call be raised. The motion prevailed.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 665. Replaced on Select File as amended.
E & R amendment to LB 665:
1. In lieu of the F. Lewis amendment, on

page 2, line 19, strike "for a term of six years" and insert "until January 1, 1979"; strike beginning with "Upon" in line 23 through line 24 and insert "His successor"; in line 25 insert "in 1978" after "elected" and insert "and for the same term" after "manner".

LEGISLATIVE BILL 794. Replaced on Select File as amended.
E & R amendment to LB 794:

1. On page 3, line 27, strike "in the areas of" and insert "for".

LEGISLATIVE BILL 819. Placed on Select File as amended.
E & R amendments to LB 819:

(References are to committee amendments.)

1. On page 3, line 2, strike ", except" and insert "except that,".
2. On page 4, strike the new matter in lines 18 and 19 and after the comma in line 21 insert "or with respect to which he would be or was entitled to receive such benefits or payments,".
3. In lieu of the Kelly amendment, on page 5, line 7, insert "or" after the comma; and strike beginning with the first "or" in line 9 through the comma in line 10 and show as stricken.
4. In the title, line 2, insert "48-649, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; in line 5 strike "and" and insert "to provide for a temporary increase in the contribution rate; to provide severability;"; and in line 6 strike "section" and insert "sections; and to declare an emergency".

(Signed) Donald N. Dworak, Chairman

GENERAL FILE

LEGISLATIVE BILL 631. Considered.

Mr. F. Lewis renewed his pending amendment found in the Journal on page 887 for the Thirty-ninth Day.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 19 ayes, 3 nays and 27 not voting.

The Call showed 45 members present.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 17:

Barnett
Dickinson
Dworak
Fitzgerald
Fowler
Goodrich
Keyes
Koch
F. Lewis
Luedtke
Marsh
Moylan
Rumery
Schmit
Simpson
Stoney
Warner

Voting in the negative, 19:

Anderson
Burrows
Carsten
Cope
DeCamp
Duis
George
Hasebroock
Kennedy
Kime
Kremer
R. Lewis
Mahoney
Maresh
Mills
Nichol
Skarda
Syas
Wiltse

Not voting, 13:

Bereuter
Burbach
Cavanaugh
Chambers
Clark
Johnson
Kelly
Marvel
Murphy
Rasmussen
Savage
Stull
Swigart

The F. Lewis amendment lost with 17 ayes, 19 nays and 13 not voting.

Mr. Hasebroock moved the Call be raised. The motion prevailed.

Mr. DeCamp renewed his pending amendments referred to in the Journal on page 903 for the Fortieth Day.

Mr. DeCamp offered the following amendment to his amendment:

Amend the white copy of the DeCamp amendment page 1, line 2, after 9, insert: "and committee amendments"; page 4, line 11, strike "3" and insert "4"; page 4, line 13, strike "4" and insert "5"; page 4, line 16, after "appropriated" insert "other than those provided in Sec. 4, 5, 6"

Amendment pending.

Mr. F. Lewis asked unanimous consent to bracket until Monday, March 15, 1976. No objections. So ordered.

LEGISLATIVE BILL 631A. Bracketed until March 15, 1976 at the request of Mr. F. Lewis.

UNANIMOUS CONSENT–Print in Journal

Mr. Fowler asked unanimous consent to print the following amendments to LB 806 in the Journal. No objections. So ordered.

AMENDMENT TO LB 806, AS AMENDED

2. Strike the Standing Committee amendment 3., found on Journal page 722, and in lieu thereof

insert the following: on page 11 of LB 806, line 21 after "delivery" insert ", unless the superintendent of the hospital has on file a written request from a recipient or potential recipient that letters shall not be mailed to him".

2. On page 17 of LB 806, line 6 after "following" insert ", but not more than one from each class".

3. On page 22, line 2, after "is" insert "not".

4. Strike the Committee Amendment 12., found on Journal page 723, to page 24 of LB 806, line 4 and in lieu thereof reinstate the original language "forty-eight hours".

5. Strike the Committee Amendment 17., found on Journal pages 723 and 724.

6. Strike the Committee Amendment 18., found on Journal page 724, and in lieu thereof insert the following: on page 42 of LB 806 strike lines 8 through 10 and insert:

"(10) The Nebraska Rules of Evidence shall be followed at all preliminary, final, and other judicial hearings under this act.".

7. On page 43 of LB 806, line 26 after "probative" insert ", but not dispositive,".

8. In the Committee Amendment 20., found on Journal page 724, line 27 after "illness" insert "." and strike "and hasten his release from custody.".

9. Strike the Committee Amendment numbered 27., found in the second lines 4 through 15 on Journal page 724.

GENERAL FILE

LEGISLATIVE BILL 703. Title read. Considered.

Standing Committee amendments found in the Journal on page 795 for the Thirty-sixth Day were considered.

Mr. Dworak moved that Mr. Kennedy go through the Standing Committee amendmentssection by section and vote on the first four in one vote. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Standing Committee amendments Nos. 1, 2, and 3 were adopted with 26 ayes, 0 nays and 23 not voting.

Standing Committee amendment No. 4 was adopted with 31 ayes, 0 nays and 18 not voting.

Mr. Schmit offered the following amendment to Standing Committee amendment No. 5:
1. Sec. 19, on page 6, line 3, after period, add "Any such collateral payments shall be taken into account in determining damages due from the health care providers involved."

Mr. Cavanaugh requested a record vote on the Schmit amendment.

Voting in the affirmative, 23:

Anderson	Barnett	Burbach	DeCamp	Dickinson
Duis	George	Johnson	Kennedy	Keyes
Kime	Koch	Kremer	Mahoney	Maresh
Marsh	Moylan	Rasmussen	Rumery	Savage
Schmit	Skarda	Warner		

Voting in the negative, 16:

Burrows	Carsten	Cavanaugh	Dworak	Fitzgerald
Fowler	Goodrich	Kelly	R. Lewis	Luedtke
Marvel	Mills	Nichol	Simpson	Stoney
Syas				

Not voting, 10:

Bereuter	Chambers	Clark	Cope	Hasebroock
F. Lewis	Murphy	Stull	Swigart	Wiltse

The Schmit amendment was adopted with 23 ayes, 16 nays and 10 not voting.

Mr. Kelly moved the Standing Committee amendment to LB 703 be taken up in order and voted on without amendments.

The motion lost with 10 ayes, 23 nays and 16 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Rasmussen asked unanimous consent to print the following amendment to LB 703 in the Journal. No objections. So ordered.

AMENDMENT TO LB 703

1. Beginning on line 9, page 8, strike the entire subsection (3).

2. Beginning on line 24, page 8, strike the entire subsection (4).

Mr. Kelly asked unanimous consent to print the following amendment to LB 703 in the Journal. No objections. So ordered.

AMENDMENT TO LB 703

1. On page 3, strike lines 5 through 11 and insert "person, partnership, or corporation lawfully engaged in the practice of medicine, surgery, osteopathy, dentistry, chiropractic, podiatry, physical therapy, or nursing; or a person, partnership, or corporation lawfully engaged in the operation of a hospital or health services institute or facility licensed under section 71-2018, Revised Statutes Supplement, 1974.".

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 861. Replaced on Select File as amended.
E & R amendments to LB 861:

1. On page 14, line 15, strike the comma.
2. In the Burbach amendment, lines 1 and 2 strike ", except that" and insert "except that,".
3. In line 2 of E & R 6, insert ", line 20," after "16".

(Signed) Donald N. Dworak, Chairman

VISITORS

The President introduced 12 members of the Ralston Chamber of Commerce, Ralston, Nebraska.

ADJOURNMENT

At 4:35 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, March 11, 1976.

Vincent D. Brown
Clerk of the Legislature

FORTY-SIXTH DAY—MARCH 11, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 11, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, while working with bills and procedures of an objective nature, may we try to be objectively honest with ourselves and with others. We pray for strength to harness our unruly tongues; to carry our responsibilities; to have the same criteria for judging ourselves that we apply to others. Forgive us for often wearing a friendly mask which hides a sullen heart, and using fine words which conceal shabby thoughts. May we strive to develop an identity between our outward and our inner person, that we may see ourselves as persons of integrity. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Keyes, Stull and Swigart who were excused; Mr. Koch who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1048, line 30, insert : "(Signed) Richard D. Marvel, Chairman".
Page 1049, line 26, after "adopted" insert: ", as amended,".
The Journal for the Forty-fifth Day was approved as corrected.

UNANIMOUS CONSENT—Print in Journal

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 806 in the Journal. No objections. So ordered.

AMENDMENT TO LB 806

In lieu of the Cavanaugh amendment on pages 971 through 974 of the Journal, insert the following:

1. On page 3, line 17 strike the underscored colon and insert ", the definitions found in sections 3 to 15 of this act shall be used."; in lines 21 and 25 strike ";" and insert "."

2. On pages 3, 4, and 5 renumber subdivisions (1) to (13) of original section 2 as sections 3 to 15 respectively.

3. On page 4, lines 2, 4, 6, 12, and 25 and on page 5 lines 4, 8, 17, 21, 24, and 27 strike the ";" and insert ".".

4. On page 5, line 11 strike "17 and 18" and insert "31 and 32"; and in line 17 strike "2" and insert "9".

5. On page 6, line 1 strike "and"; and in line 2 strike "(14)" and insert "Sec. 16.".

6. On page 8, line 5 strike "18" and insert "32".

7. On page 17, line 3 after "located" insert "for a term of two years"; in line 9 after the underscored period insert "When a vacancy occurs, appointment to fill the vacancy shall be made for the balance of the term. As the terms of the initial appointees to the mental health board expires, succeeding appointees shall have the same qualifications as the appointees' immediate predecessor, and such successors shall be appointed to four-year terms. Members whose terms have expired shall continue to serve until their successors have been appointed.".

8. On page 18, line 9 strike "2" and insert "9".

9. On page 19, line 1 strike "2" and insert "9"; line 10 strike "17 and 18" and insert "31 and 32"; and in line 18 strike "35" and insert "49" and strike "36" and insert "50".

10. On page 20, lines 4 and 17 strike "2" and insert "9"; in line 21 strike "17" and insert "31".

11. On page 21, lines 2 and 10 strike "2" and insert "9"; line 12 strike "19, 22," and insert "33, 36,"; lines 13 and 23 strike "24" and insert "38"; in line 15 strike "16" and insert "30" and in line 27 strike "18" and insert "32".

12. On page 22, lines 3, 21, and 24 strike "18" and insert "32"; line 10 strike "35 and 36" and insert "49 and 50"; line 18 strike "20" and insert "34"; and in line 26 strike "19" and insert "33".

13. On page 23, line 9 strike "35 and 36" and insert "49 and 50"; and in line 22 strike "2" and insert "9".

14. On page 24, lines 7 and 9 strike "16" and insert "30"; line 13 strike "24" and insert "38"; line 21 strike "2" and insert "9"; and line 25 strike "35 and 36" and insert "49 and 50".

15. On page 25, line 13 strike "2" and insert "9".

16. On page 26, lines 11, 17, and 25 strike "2" and insert "9".

17. On page 27, line 12 strike "2" and insert "9"; line 16 strike "32" and insert "46"; line 17 strike "33" and insert "47"; and line 24 strike "25" and insert "39".

18. On page 28, line 11 strike "2" and insert "9".

19. On page 29, line 9 strike "2" and insert "9".

20. On page 30, lines 10 and 17 strike "2" and insert "9".

21. On page 31, line 6 strike "3" and insert "17".

22. On page 33, line 12 strike "25" and insert "39"; and in line 15 strike "28" and insert "42".

23. On page 34, line 11 strike "32" and insert "46"; and in line 27 strike "28" and insert "42".

24. On page 36 line 21 strike "19 and 20" and insert "33 and 34"; and in line 26 strike "22 and 24" and insert "36 and 38".

25. On page 37, line 16 strike "16" and insert "30"; line 17 strike "18" and insert "32"; and in line 19 strike "prelimiinary" and insert "preliminary".

26. On page 40, line 12 strike "16" and insert "30"; and in line 14 strike "18" and insert "32".

27. On page 42, line 20 strike "2" and insert "9".

28. On page 44, line 3 strike "35" and insert "49".

29. On page 46, line 1 strike "36" and insert "50".

30. On page 47, line 3 strike "37" and insert "51"; and strike lines 17 and 18.

31. On page 47 insert the following new sections:

"Sec. 53. There is hereby created a three member State Board of Mental Health. The three member board shall consist of a physician licensed to practice medicine in this state, a lawyer licensed to practice law in this state, and one of the following: A psychologist; a psychiatric social worker; a psychiatric nurse; or a lay person with a demonstrated interest in mental health issues. The members of the state board shall be appointed by the Governor within thirty days after the effective date of this act. The state board shall choose one of its members as chairperson.

Sec. 54. The members of the State Board of Mental Health while engaged in the performance of their official duties, shall receive compensation at the rate of one hundred dollars per day while so serving. In addition, members of the state board shall receive reimbursement for actual and necessary expenses on the same basis and subject to the same conditions as full-time state employees.

Sec. 55. (1) It shall be the duty of the State Board of Mental Health to provide rehearings for each person involuntarily committed, prior to the effective date of this act, pursuant to any order of a county board of mental health ordering such committment, except that this section shall not apply to any individual who has had a rehearing which complies with the due process protections afforded by this act or the order of any court.

(2) All rehearings provided as required by subsection (1) of this section shall be held at the institution which has custody of the patient. All such rehearings shall within six months after the date members are appointed to the State Board of Mental Health.

Sec. 56. No rehearing shall be conducted unless the three members of the state board are present. Actions taken in a rehearing shall be by majority vote.

Sec. 57. (1) At such rehearings the State Board of Mental Health shall determine whether there is clear and convincing proof that the subject of a petition is a mentally ill dangerous person and that neither voluntary hospitalization nor other alternative less restrictive of his liberty than a mental health board ordered treatment disposition are available or would suffice to prevent the harm described in section 9 of this act.

(2) Such rehearing shall be held in accordance with the procedure governing final hearings provided in this act.

Sec. 58. In each rehearing to be held before the State Board of Mental Health the Attorney General shall have the same powers, duties, and responsibilities as the county attorney has in appearing before the county mental health board.

Sec. 59. The State Board of Mental Health shall determine whether the subject of the petition for any rehearing is indigent. If the subject is found to be indigent, the state board shall immediately take the necessary actions to provide for the appointment of counsel. The state board may, if it deems it necessary, provide counsel to represent such individuals.

Sec. 60. The State Board of Mental Health shall cease to exist six months after the date members are appointed to such board or at the completion of all rehearings required by sections 53 to 60 of this act, whichever is sooner.".

30. Renumber original sections 3 to 38 as sections 17 to 52 respectively, and sections 39, 40, and 42 as sections 61, 62, and 63 respectively.

UNANIMOUS CONSENT–Members Excused

Mr. Bereuter asked unanimous consent to be excused on March 12, 1976. No objections. So ordered.

Mr. Luedtke asked unanimous consent to be excused at 11:30 a.m. this morning and tomorrow. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 11, 1976, at 8:50 a.m., were the following bills: 626, 670, 715, 820, 846, 868, 877, 994, and 1004.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 634A and 869.

Correctly Engrossed

The following bills were correctly engrossed: 671, 711, 757, and 859.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Withdraw amendment on LB 642

Mr. Maresh asked unanimous consent to withdraw his pending amendment to LB 642 found in the Journal on page 1040 for the Forty-fifth Day. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 642.

A BILL FOR AN ACT to amend sections 88-505 and 88-506, Reissue Revised Statutes of Nebraska, 1943, and section 88-503, Revised Statutes Supplement, 1975, relating to grain warehouses; to provide that certain warehouses may be licensed to do business under one license; to delete reporting requirements; to require that scale tickets be issued as prescribed; to require that receipts be issued pursuant to demand; to provide that the Public Service Commission shall fix charges to be assessed and collected for warehouse receipt forms; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	George
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Kime	Koch	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Simpson	Skarda	Stoney	Syas
Warner	Wiltse			

Voting in the negative, 1:

F. Lewis

Not voting, 6:

Cope Fowler Keyes Schmit Stull
Swigart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 825. With Emergency.

A BILL FOR AN ACT to amend sections 10-201, 16-724, 18-1101, 18-1803, 18-1804, and 18-1805, Reissue Revised Statutes of Nebraska, 1943, and section 10-126, Revised Statutes Supplement, 1975, relating to bonds; to change and provide revenue bond provisions relating to cities of the first and second class and villages as prescribed; to change registration procedures of revenue bonds issued in fully registered form; to provide that a par sale and a five-year call shall not apply to revenue bonds; to include revenue notes in existing law; to provide for severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson Barnett Bereuter Burbach Burrows
Carsten Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald George
Goodrich Hasebroock Johnson Kelly Kennedy
Kime Koch Kremer F. Lewis R. Lewis
Luedtke Maresh Marsh Marvel Mills
Moylan Murphy Nichol Rasmussen Rumery
Savage Schmit Simpson Skarda Stoney
Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 6:

Cavanaugh Fowler Keyes Mahoney Stull
Swigart

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 903. With Emergency.

A BILL FOR AN ACT to amend section 77-27,136, Reissue Revised Statutes of Nebraska, 1943, sections 79-2651 and 79-2653, Revised Statutes Supplement, 1975, section 77-27,137, Reissue Revised Statutes of Nebraska, 1943, as amended by section 4, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, section 77-27,137.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 5, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, section 79-1333, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, section 77-202.22, Revised Statutes Supplement, 1974, as amended by section 2, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, section 77-202.30, Revised Statutes Supplement, 1974, as amended by section 3, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, section 79-4,160, Revised Statutes Supplement, 1974, as amended by section 7, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, and section 43-648, Revised Statutes Supplement, 1975, as amended by section 1, Legislative Bill 3, Eighty-fourth Legislature, First Special Session, 1975, relating to state funds; to change the distribution of certain payments as prescribed; to provide duties of the State Department of Education; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 6:

Cavanaugh
Keyes
Kime
Mahoney
Stull
Swigart

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 996.

A BILL FOR AN ACT to amend sections 77-2708 and 77-2709, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change and provide penalty provisions as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson Barnett Bereuter Burbach Burrows
Carsten Clark Cope DeCamp Dickinson
Duis Dworak Fitzgerald George Goodrich
Hasebroock Johnson Kelly Kennedy Kime
Koch Kremer F. Lewis R. Lewis Luedtke
Maresh Marsh Marvel Mills Moylan
Murphy Nichol Rasmussen Rumery Savage
Schmit Simpson Skarda Stoney Syas
Warner Wiltse

Voting in the negative, 0.

Not voting, 7:

Cavanaugh Chambers Fowler Keyes Mahoney
Stull Swigart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MESSAGE FROM THE GOVERNOR

March 10, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 682.

This bill was signed by me on March 10, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINIONS

Opinion No. 197

March 10, 1976

Dear Senator Warner:

You have informed us that you have introduced LB 912, striking certain provisions of section 2-955, 1975 Supp., because of your concern that those provisions lack constitutional rights of due process. You have asked for our opinion as to the necessity for such amendment to section 2-955.

LB 912 would amend section 2-955 by striking all of subsection (2) of that section. This is the subsection which authorizes the weed control authority to take the necessary steps to eradicate weeds which the owner of the land has failed to control, and to collect the cost of such eradication from the owner by special assessment or suit. It would, apparently, destroy any effect of section 2-955, since that section would then provide for notices to be given to landowners to control their weeds, but would remove the power of the control authority to eradicate the weeds, in the event the landowner failed to do so, or to collect the cost from the landowner.

Our examination of the applicable statutes leads us to believe that there are no apparent constitutional difficulties which require the sort of amendment accomplished by LB 912. The Nebraska Supreme Court considered section 2-955 in Hi-Point Land & Cattle Co., Inc. v. Schlaphoff, 193 Neb. 276, 226 N.W. 2d 926 (1975). In that case the plaintiff had originally attacked the constitutionality of the weed control law, but had apparently abandoned that contention on appeal. The Supreme Court, however, said that, in any event the constitutionality of such acts appeared to be well-established. The court cited 3 Am.Jur. 2d, Agriculture, Sections 45 and 46, pp. 811 and 812. An examination of the portion of American Jurisprudence cited by the court reveals this language:

> "As in the case of other agricultural nuisance statutes, provisions for the destruction of the weeds by public officers

> upon failure or refusal of the landowner to comply with the statute and for assessment of the expense against the landowner are ordinarily held valid, provided notice and opportunity for hearing are given before the assessment becomes conclusive, although the contrary view has been taken. . . ."

As you will note, section 2-955 now provides that the owner of the real estate, in addition to being given notice that he should control his weeds before the control authority does so, is also advised of the cost of such control after it has been accomplished. Section 2-960, R.R.S. 1943, provides that if he is dissatisfied with the amount of the charge, he may file a protest with the director within fifteen days. The director is then required to hold a hearing, and shall have the power to adjust or affirm the charge. We believe that this provision for hearing complies with constitutional due process requirements, and that the amendment which would be accomplished by LB 912 is not necessary to make the weed control act constitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 198
March 10, 1976

Dear Senator Warner:

You have stated that you have a concern as to whether the tax levy which supports the County Agricultural Society constitutes a part of the maximum levy which may be assessed by a county. We believe that it is clear that it does not.

Article VIII, Section 5 of the Nebraska Constitution provides in part that county authorities shall never assess taxes the agregate of which shall exceed fifty cents per one hundred dollars actual valuation.Of course, the county board actually does levy taxes in excess of this amount, but it does so for other governmental subdivisions, as opposed to the county itself. These additional levies are not included within the constitutional limitation.

County agricultural societies are not a part of county government. Section 2-201, R.R.S. 1943, provides for the organization of such a society by 20 or more persons. The society adopts a constitution and bylaws, and raises money by voluntary subscriptions or by a fee imposed upon its members. Statutory provision is made for tax levies to aid and assist the society in the performance of its functions. The taxes are levied by the county board, collected by the county treasurer, and paid to the managing board of the county agricultural society. In Wilson v. Thayer County Agricultural Society, 115 Neb. 579, 213 N.W. 966 (1927), the court specifically held that an agricultural society was a separate entity from the county and, indeed, apparently held that such a society is not a governmental agency at all.

In Dwyer v. Omaha-Douglas Public Building Commission, 188 Neb. 30, 195 N.W. 2d 236 (1972), the court considered the question of whether the mill levy limitations of Article VIII, Section 5 of the Constitution applied to a levy to pay off bonds issued by the building commission. The court extensively analyzed the effect of this constitutional provision, and concluded that the one-half mill levy involved in that case was the levy of the building commission, and not of the county, and therefore did not come within the constitutional limitation of Article VIII, Section 5. We believe that the agricultural societies contemplated by sections 2-201 et seq. are even more clearly not a part of the county government than was the case of the building commission involved in Dwyer, and we are confident that the mill levies for the support of such societies would not be included in the counties' mill levy for purposes of the constitutional limitation.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ss
cc: Mr. Vincent Brown
Clerk of the Legislature

SELECT COMMITTEE REPORT
Committee on Committees

The Committee on Committees, in Executive Session, following two public hearings voted unfavorably on the appointment of Mr. Martin Dineen, 4539 Grover Street, Omaha, Nebraska as State Fire Marshal.

The following appeared in support of Mr. Dineen's appointment as State Fire Marshal:

Mr. John Gabbaron, member of Fire Fighting Personnel Standards and Education, former Fire Chief, Inspector for the City of Lincoln.

Dennis J. Mullen, Hastings, Nebraska, appearing as a private individual.

Charles Herbst, Assistant Fire Marshal.

Senator William Skarda, former member of the Omaha Fire Department.

Norman Otto, Administrative Assistant to Governor J. J. Exon.

The following appeared in opposition to Mr. Dineen's appointment as State Fire Marshal.

Mr. John O'Connor, retired Fire Captain of the Omaha Fire Department.

Roger Schulz, representing the Nebraska Association of Public Employees.

Carl Sullivan, representing Nebraska Chief's Association.

Norman Haite, David City, representing the Nebraska Volunteer Fireman's Association.

Motion was made in executive session by Senator Chambers that Mr. Dineen not be confirmed by the Committee on Committees. Senator Marsh seconded the motion.

Committee Vote: For: (7) Senators Chambers, Duis, Keyes, Kime, Koch, Marsh, and Savage. Against: (1) Senator Skarda. Pass: (3) Senators DeCamp, Hasebroock, and Wiltse. Absent: (2) Senators Clark and Kelly. Excused: None.

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. J. Exon. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Mr. Leonard J. Schaefer – Environmental Control Council

Senator Skarda and Senator Savage appeared in support of Mr. Schaefer's reappointment. No one appeared in opposition.

Committee Vote: For: (11) Senators Chambers, DeCamp, Duis, Hasebroock, Keyes, Kime, Koch, Marsh, Savage, Skarda, and Wiltse. Against: None. Pass: None. Absent: (2) Senators Clark and Kelly. Excused: None.

Mrs. Robert Matz
Public Welfare, Institutions and Corrections Advisory Commission

Senator Duis appeared in support of Mrs. Matz's reappointment. No one appeared in opposition.

Committee Vote: For: (11) Senators Chambers, DeCamp, Duis, Hasebroock, Keyes, Kime, Koch, Marsh, Savage, Skarda, and Wiltse. Against: None. Pass: None. Absent: (2) Senators Clark and Kelly. Excused: None.

John Humpal
Public Welfare, Institutions and Corrections Advisory Commission

Senator DeCamp, Senator Savage, Senator Keyes, Senator Hasebroock, and Senator Koch appeared in support of Mr. Humpal's reappointment. No one appeared in opposition.

Committee Vote: For: (11) Senators Chambers, DeCamp, Duis, Hasebroock, Keyes, Kime, Koch, Marsh, Savage, Skarda, and Wiltse. Against: None. Pass: None. Absent: (2) Senators Clark and Kelly. Excused: None.

(Signed) John S. Savage, Chairman

SELECT FILE

LEGISLATIVE BILL 667. Mr. Goodrich asked unanimous consent to withdraw his pending amendment found in the Journal on page 929 for the Forty-first Day. No objections. So ordered.

Mr. Burrows renewed his pending amendment found in the Journal on page 929 for the Forty-first Day.

Mr. Burrows requested a roll call vote.

Voting in the affirmative, 14:

Anderson Barnett Burrows Chambers Fowler
Kennedy Kime R. Lewis Marsh Murphy
Rasmussen Rumery Simpson Warner

Voting in the negative, 27:

Burbach Carsten Cavanaugh Clark Cope
DeCamp Dworak Fitzgerald Goodrich Hasebroock

Johnson Kelly Koch Kremer Luedtke
Mahoney Maresh Marvel Mills Moylan
Nichol Savage Schmit Skarda Stoney
Syas Wiltse

Not voting, 8:

Bereuter Dickinson Duis George Keyes
F. Lewis Stull Swigart

The Burrows amendment lost with 14 ayes, 27 nays and 8 not voting.

Mr. Burrows offered the following amendment:
To amend L.B. 667 on page 2 line 10 strike the new language and on page 2 line 22 strike the new language. Line 1 page 3 strike new language.

The amendment lost with 16 ayes, 17 nays and 16 not voting.

Mr. Goodrich moved to advance LB 667.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay and 21 not voting.

Advanced to E & R for Engrossment with 25 ayes, 11 nays and 13 not voting.

LEGISLATIVE BILL 665. E & R amendment found in the Journal on page 1049 for the Forty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 794. E & R amendment found in the Journal on page 1050 for the Forty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 819. E & R amendments found in the Journal on page 1050 for the Forty-fifth Day were adopted.

Mills renewed his pending amendment found in the Journal on page 1047 for the Forty-fifth Day.

Mr. Chambers requested the Mills amendment be divided.

Mr. Mills offered the following amendment to the first part of his amendment:

Line 18 insert "has applied for"

The amendment was adopted with 25 ayes, 8 nays and 16 not voting.

The first part of the Mills amendment, as amended, was adopted with 27 ayes, 3 nays and 19 not voting.

The second part of the Mills amendment was adopted with 29 ayes, 1 nay and 19 not voting.

Mr. Kelly offered the following amendment:
Page 7, line 20 strike "1977" and insert "1976"

The amendment was adopted with 26 ayes, 1 nay and 22 not voting.

Mr. Koch renewed his pending amendment found in the Journal on page 1043 for the Forty-fifth Day.

Mr. Murphy asked the Chair to rule if the Koch amendment is germane to the bill.

The Chair ruled the amendment was germane and does not violate Rule 7, Sec. 3(d).

Mr. Warner appealed the decision of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Warner moved for a Call of the House. The motion prevailed with 28 ayes, 10 nays and 11 not voting.

The Call showed 45 members present.

Mr. Warner requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 24:

Bereuter
Duis
Kelly
Maresh
Rasmussen
Burbach
Dworak
Kennedy
Marsh
Stoney
Clark
George
Kime
Mills
Warner
Cope
Hasebroock
Kremer
Murphy
Wiltse
Dickinson
Johnson
R. Lewis
Nichol

Voting in the negative, 21:

Anderson
Chambers
Barnett
DeCamp
Burrows
Fitzgerald
Carsten
Fowler
Cavanaugh
Goodrich

Koch F. Lewis Mahoney Marvel Moylan
Rumery Savage Schmit Simpson Skarda
Syas

Not voting, 4:

Keyes Luedtke Stull Swigart

The motion lost with 24 ayes, 21 nays and 4 not voting. The Chair was sustained.

Mr. Skarda moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays and 19 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed.

Mr. Koch moved for a Call of the House. The motion prevailed with 25 ayes, 7 nays and 17 not voting.

The Call showed 44 members present.

Mr. Koch requested a roll call vote on his amendment:

Voting in the affirmative, 23:

Anderson Barnett Bereuter Burrows Carsten
Cavanaugh Chambers Cope Dickinson Fitzgerald
Fowler Goodrich Koch F. Lewis Mahoney
Maresh Moylan Savage Schmit Simpson
Skarda Stoney Syas

Voting in the negative, 19:

Burbach Clark DeCamp Duis Dworak
Hasebroock Johnson Kelly Kennedy Kime
Kremer R. Lewis Marsh Marvel Mills
Murphy Nichol Rasmussen Rumery

Not voting, 7:

George Keyes Luedtke Stull Swigart
Warner Wiltse

The Koch amendment lost with 23 ayes, 19 nays and 7 not voting.

Mr. Dworak moved the Call be raised. The motion prevailed.

Mr. Chambers moved to indefinitely postpone. Motion pending.

UNANIMOUS CONSENT—Print in Journal

Mr. Rasmussen asked unanimous consent to print the following amendments to LB 779 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 779 – Alternative 3

Strike the existing sections in LB 779

1. Insert three new sections to read:

"Sec. 1. The State of Nebraska hereby assents to the provision of an Act of Congress entitled the Federal Water Projects Recreation Act, approved July 9, 1975, Public Law 89-72, 89th Congress, and to any and all existing amendments thereto, including those found in an Act of Congress entitled the Water Resources Development Act of 1974, approved March 7, 1974, Public Law 93-251, 93rd Congress. The Games and Parks Commission is authorized and empowered to perform, within the limits of available funding, such acts as may be necessary to administer, operate, maintain, and replace land and water areas for recreation or fish and wildlife purposes or for both of such purposes in accordance with the provisions of such act as amended. Said commission is further authorized to execute an agreement, the performance of which shall be contingent upon funds being made available therefor, to bear the separable costs of federal projects allocated to either or both of such purposes in the proportion specified by such act, as amended, and to pay or repay such costs in accordance with the terms of such agreement.

Sec. 2 If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 3 Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

RESOLUTION

LEGISLATIVE RESOLUTION 129.

Introduced by DeCamp, 40th District; Schmit, 23rd District; Rumery, 42nd District; Dickinson, 31st District; Kennedy, 21st District; Maresh, 32nd District; Burrows, 30th District; Kime, 43rd District.

WHEREAS, the county extension service has for many years been of vital importance to Nebraska agriculture and home economics as a cooperative effort involving the counties, the University of Nebraska, and the United States Department of Agriculture; and

WHEREAS, the county extension service was established to aid in diffusing useful and practical information on subjects relating to agriculture, home economics, and rural life; and

WHEREAS, proposed legislation was offered this session seeking to restructure the local phase of county extension work, which subject is worthy of detailed and serious study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Committee on Agriculture and Environment be directed to conduct an interim study of the county extension service and its funding, and report its findings and recommendations, if any, to the 1977 session of the Nebraska State Legislature.

Referred to the Executive Board.

ANNOUNCEMENT

Mr. Fowler announced an executive session of Urban Affairs Committee under the North balcony at 1:25 p.m. today.

UNANIMOUS CONSENT–Member Excused

Mr. Kelly asked unanimous consent to be excused at 3:00 p.m. today until Monday, March 15, 1976. No objections. So ordered.

VISITORS

The President introduced James McDowell, Staff Member from State of Indiana Senate; 16 fourth, fifth, and sixth grade students and teacher from Firth, Nebraska; 43 first grade students and teachers from Holmes Elementary School, Lincoln; 19 students and sponsors from Holmes Elemetary School, Lincoln; 13 junior and senior students and teacher and principal from Dominican High School, Omaha; and 7 junior students from Madrid-Wheatland.

RECESS

At 11:50 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Keyes, Luedtke, Stull, Swigart who were excused; Messrs. Cope and Skarda who were excused until they arrive; and Mr. Warner who was absent until 2:15 p.m.

MOTIONS–Introduce Bills

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 1515)

The motion prevailed with 31 ayes, 5 nays and 13 not voting.

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 1516)

The motion prevailed with 32 ayes, 1 nay and 16 not voting.

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 1517)

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 1518)

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 1519)

The motion prevailed with 33 ayes, 0 nays and 16 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1006. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Goodrich, 20th District; Marsh, 29th District; Simpson, 46th District; Johnson, 15th District.

A BILL FOR AN ACT to provide for a downtown education center and office building in Omaha; to provide for funding; to provide duties; to amend section 72-1403, Reissue Revised Statutes of Nebraska, 1943, section 81-1108.15, Revised Statutes Supplement, 1974, and section 77-2602, Revised Statutes Supplement, 1974, as amended by section 67, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1007. By Appropriations Committee: Savage, 10th District; Goodrich, 20th District; Bereuter, 24th District; Marsh, 29th District; Simpson, 46th District; Johnson, 15th District.

A BILL FOR AN ACT relating to the University of Nebraska at Omaha; to authorize a capital construction project; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 1008. By Appropriations Committee: Savage, 10th District; Marsh, 29th District; Simpson, 46th District; Bereuter, 24th District, Goodrich, 20th District; Johnson, 15th District.

A BILL FOR AN ACT relating to the University of Nebraska at Lincoln; to authorize capital installation and modifications; to appropriate funds; to repeal section 29, Legislative Bill 1004, Eighty-fourth Legislature, Second Session, 1976; and to declare an emergency.

LEGISLATIVE BILL 1009. By Appropriations Committee: Clark, 47th District, Vice-Chairman; Goodrich, 20th District; Johnson, 15th District; Marsh, 29th District; Savage, 10th District; Simpson, 46th District.

A BILL FOR AN ACT relating to the University of Nebraska Medical Center; to authorize construction of a cardiovascular complex; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 1010. By Appropriations Committee: Bereuter, 24th District; Goodrich, 20th District; Johnson, 15th District; Marsh, 29th District; Savage, 10th District; Simpson, 46th District.

A BILL FOR AN ACT to appropriate funds for the cost of repairing fire damage at the University of Nebraska; and to declare an emergency.

MOTION—Suspend Rules

Mr. Marvel moved to suspend the rules and place LB 1006, LB 1007, LB 1008, LB 1009, and LB 1010 on General File without a public hearing.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

MOTION—Return LB 665 to Select File

Mr. Chambers moved to return LB 665 to Select File for the following specific amendment:

"No public utility shall pay any portion of the membership fee to any private organization for any employee or board member. Provided, this provision shall not apply to membership in any professional association related to an employee's position or duties with the public utility."

Mr. Chambers moved for a Call of the House. The motion lost with 14 ayes, 16 nays and 19 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 22:

Anderson Barnett Bereuter Burbach Burrows

Carsten	Cavanaugh	Chambers	Clark	Duis
Fowler	Kennedy	Kremer	R. Lewis	Maresh
Marvel	Mills	Murphy	Rasmussen	Schmit
Simpson	Warner			

Voting in the negative, 16:

DeCamp	Fitzgerald	George	Goodrich	Hasebroock
Johnson	Kime	Koch	Mahoney	Moylan
Rumery	Savage	Skarda	Stoney	Syas
Wiltse				

Not voting, 11:

Cope	Dickinson	Dworak	Kelly	Keyes
F. Lewis	Luedtke	Marsh	Nichol	Stull
Swigart				

The motion lost with 22 ayes, 16 nays and 11 not voting.

SELECT FILE

LEGISLATIVE BILL 861. E & R amendments found in the Journal on page 1054 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

MOTION--Return LB 861 to Select File

Mr. Dworak moved to return LB 861 to Select File for the following specific amendment:
On Page 13, Line 23, insert "game birds" after the word, "any",
and before the word, "upland".

The motion prevailed with 27 ayes, 2 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 861. The Dworak specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 861 to Select File

Mr. Kime moved to return LB 861 to Select File for the following specific amendment:

SPECIFIC AMENDMENT TO LB 861

1. On page 14, line 16, strike "seven" and insert "five"; and in line 17 strike "and fifty cents".
2. On page 18, line 13 strike "fifteen" and insert "ten".

The motion lost with 10 ayes, 16 nays and 23 not voting.

MOTION—Request Governor to Return LB 763

Mr. Mills moved to request the Clerk to direct the Governor to return LB 763 to the Legislature for further consideration.

Mr. Skarda moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay and 21 not voting.

The motion to return LB 763 lost with 16 ayes, 26 nays and 7 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 761

1. Strike the Burrows amendment found on page 895 of the Journal.
2. On page 6 line 23 and on page 7, line 19 after "child" insert ". No transportation payments shall be made to a parent or guardian for mileage not actually traveled by such parent or guardian".

RESOLUTION

LEGISLATIVE RESOLUTION 130.

Introduced by Nebraska Retirement Systems Committee: Hasebroock, 18th Chairman; F. Lewis, 45th District; Marvel, 33rd District; Goodrich, 20th District.

WHEREAS, the Nebraska Retirement Systems Committee deals with legislation of a complex nature relating to the public employee retirement systems in Nebraska; and

WHEREAS, legislation for improvements or changes in these retirement systems has a far reaching impact on participants in the retirement systems; and

WHEREAS, the fiscal impact upon the taxpayers of the State of Nebraska must be weighed carefully before changes are made in the systems on an actuarially sound basis to protect the interest of both the participants and the citizens of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee will conduct an interim study with regard to improvements in the retirement systems.
2. That the Committee will consider how they can obtain services of an actuarial consultant, which are imperative to the passage of good legislation within economic limits.
3. That the Nebraska Retirement Systems Committee will report back to the Eighty-Fifth Legislature, First Session, its recommendations and will introduce legislation to accomplish defined need for improvement which are found during the interim study.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINION

Opinion No. 199
March 9, 1976

Dear Senator Warner:

You have given us a copy of a proposed amendment to LB 824, and asked for our comments on its effect. The amendment would add a fourth section to the bill, reading:

> "Sec. 4: (1) The Legislature shall, during each regular session determine and set appropriations for the next two succeeding fiscal years.
>
> "(2) The Legislature shall during each regular session review the appropriations for the next fiscal year, set pursuant to subsection (1) of this section, and may either amend or affirm such appropriations. The Legislature shall also determine and set appropriations for the second fiscal year following.
>
> "(3) Each appropriation determined and set pursuant to this section shall be considered as an express obligation by the State Board of Equalization and Assessment when setting the tax rate pursuant to section 77-2715.01."

You ask whether the present statutes relative to the Board of Equalization's rate-setting power of sales and income tax rates contain adequate guidelines for the second half of a calendar year, and whether the proposed amendment would provide needed guidelines.

We discussed the "express obligations" problem in an opinion of this office to the Governor dated November 10, 1975 (No. 141). We concluded that sec. 77-2715.01 and sec. 77-2715.03, 1975 Supp., were not as specific as was desirable in defining the "express obligations" that were to be taken into account by the Board in performing its rate-setting function, and that a court might hold that an unconstitutional delegation of legislative powers was involved.

A large part of the difficulty in this area is caused by the fact that appropriations are made on a fiscal year basis, with the year ending on June 30th, whereas the sales tax rates are set on a calendar year basis, and the income tax rates are set for all taxable years beginning in the next calendar year. As a consequence, when the Board meets in November of each year to set the tax rates for the next calendar year, it has appropriations to work with only for the first six months of that year, and the amount necessary to be raised during the last six months becomes speculative, since it is dependent upon appropriations by the next session of the Legislature. The amendment you inquire about is no doubt an attempt to provide the Board with legislatively-determined "express obligations" which it may use in performing its function.

We have considered the question of whether the amendment would violate the provisions of Article III, Section 22 of the Nebraska Constitution, and have concluded that it would not. That section provides in part that each Legislature shall make appropriations for the expenses of the government. An argument can be made that this prevents the Legislature from making appropriations for fiscal years beginning after that particular Legislature goes out of existence, since this would be an encroachment upon the right of the next Legislature to make such appropriations. However, as we construe the proposed amendment, this is not the case.

The amendment contemplates that each session of the Legislature shall review the appropriations for the next fiscal year, and either amend or affirm them. By its action in doing so, the Legislature at each session, is, in effect, making appropriations for the next fiscal year. The appropriation for the "second fiscal year following" is actually only a tentative appropriation, in no way binding upon the next session of the Legislature, and subject to review by it. Under these circumstances, we do not believe the contemplated procedure would be a denial of the right of subsequent sessions of the Legislature to make appropriations for the expenses of government.

Some question may arise as to the effect of Article IV, Section 7 of the Constitution on this amendment. Whether the Governor should be expected to present a budget for a fiscal year which may begin six months after he has left office is somewhat questionable. Further, that section of the Constitution provides that no appropriations shall be made in excess of recommendations in the Governor's budget except by three-fifths vote of the Legislature, and shall be subject to veto by the Governor. This might lead to an anomalous situation, with an outgoing Governor vetoing expenditures for a fiscal year beginning long after his term.

However, we believe these problems can be solved by regarding the appropriation for the second year as simply a tentative one, and only the appropriation for the next fiscal year as the final one, subject to provisions of Article IV, Section 7. In other words, the action of the Legislature in amending or affirming the previously adopted tentative appropriation would be subject to the three-fifths rule, and to the Governor's veto.

As we construe the proposed amendment, its primary purpose is to give the State Board of Equalization and Assessment legislatively-prescribed guidelines to use in making provision for "express obligations." As so limited, we do not see any readily apparent constitutional difficulties, and it would seem to eliminate some problems we have had in the past as to what the State Board should regard as express obligations.

We wish to point out, however, that the construction we have given the amendment in question is not as firmly spelled out in the language used as might be desired. We attempt to construe statutory language so as to render the statute constitutional, rather than unconstitutional. Our regarding the appropriation for the second fiscal year as being a tentative one, and the action of the Legislature in reviewing the appropriations for the next fiscal year, and either amending or affirming them as being the actual, final appropriation, is our attempt to give a constitutionally valid construction to this amendment. If this construction truly reflects your intention with respect to this amendment to LB 824, it probably should be spelled out more clearly, so that the purpose and effect of having the Legislature make appropriations for the second fiscal year is apparent on the face of the statute, and is not dependent upon our supposition of what was intended. We will be glad to discuss with you possibly desirable changes.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Member Excused

Mr. Mills asked unanimous consent to be excused at 3:15 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 703. Considered.

Mr. Schmit offered the following amendment to Standing Committee amendment No. 5:

Page 6, line 8, strike "those" and insert "restricted to the actual economic" and on line 13 after "next-of-kin" insert "shall be limited to actual economic loss and" and after the period on line 14, add the following: "No recovery shall be allowed for damages for which reimbursement has been or shall be provided from any nonrefundable collateral source as described in this section.

(3) The fact that a spouse has or has not remarried shall be competent evidence in any action where such spouse claims damages as a result of death of his or her spouse.

In Section 19, (2) Strike Line 8 and insert following new language "Economic losses" as defined in this act, which have been or reasonably may be sustained by the . . . .

Delete Section 19 (4) and add the following: (4) "Economic losses" as used in this act refers to those general or special losses which have a direct effect on the plaintiff's present or future ability to earn, which might impair the plaintiff's ability in his or her preparations to attain an earning capacity, or which pertain to his or her present or future financial conditions in any way. It includes not only the medical, hospital and other reasonable expenses incurred which might reasonably be foreseen to be incurred in the future and the loss or impairments of the ability to earn in any occupation in which the plaintiff is qualified or could be reasonably expected to become qualified at any time in the future, but it also includes the loss of the reasonable expectations of any benefits which could reasonably have flowed to the injured party at any time in the future in the absence of the wrongful act involved.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 9 nays and 16 not voting.

Mr. Skarda moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays and 18 not voting.

Mr. Cavanaugh moved for a Call of the House. The motion lost with 8 ayes, 25 nays and 16 not voting.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 30:

Anderson
Bereuter
Burbach
Carsten
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Hasebroock
Johnson
Kennedy
Kime
Koch
Kremer
Mahoney
Maresh
Marsh
Marvel
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Skarda
Stoney
Warner
Wiltse

Voting in the negative, 12:

Barnett
Burrows
Cavanaugh
Chambers
Fowler
George
Goodrich
F. Lewis
R. Lewis
Moylan
Simpson
Syas

Not voting, 7:

Clark
Kelly
Keyes
Luedtke
Mills
Stull
Swigart

The Schmit amendment to the Standing Committee amendment No. 5 was adopted with 30 ayes, 12 nays and 7 not voting.

Mr. Dworak offered the following amendment to Standing Committee amendment No. 5:

LB 703
AMENDMENT TO THE COMMITTEE AMENDMENT NO. 5

On page 5, strike line 27 and insert "Medical Reimbursement Insurance"; On page 6, strike lines 1 and 2; line 3, strike "source with respect to such loss"; On page 6, line 6, strike the period and insert ", and such premiums, payments or contributions paid shall also be taken into account in determining damages due from the health care providers.".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Standing Committee amendment No. 5, as amended, is pending.

ANNOUNCEMENT

Mr. F. Lewis announced an executive session of Education Committee at 4:15 p.m. under the North balcony.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 974. Replaced on Select File as amended.
E & R amendment to LB 974:

1. On page 3, line 6, strike "and his detention therein" and show stricken.

LEGISLATIVE BILL 761. Placed on Select File as amended.
E & R amendments to LB 761:

1. In lieu of the Burrows amendments thereto, on page 6, lines 19 and 20, and page 7, line 15, strike "in his custody or control" and show as stricken.
2. On page 6, line 23, strike the semicolon and insert an underscored period.
3. On page 7, line 4, insert "(a)" after "either"; in line 7 insert "(b)" after "or"; in line 19 strike the semicolon and insert an underscored period; and in line 20 strike "(3)" and insert "~~(3)~~".
4. On page 8, strike the new matter in lines 11 to 14 and reinsert the same as a new section 3 following line 22 and in the last line thereof, strike "this section;" and insert "section 43-607."; in lines 15, 19, and 21 strike "(4)", "(5)", and "(6)" respectively and show stricken and insert "(3)", "(4)", and "(5)" respectively.
5. Renumber sections 3 to 19 as sections 4 to 20.
6. On page 10, line 11, strike the comma and show stricken.
7. On page 11, line 25, strike the comma.
8. On page 12, insert an underscored comma after "shall" in line 7, "purposes" in line 8, and "1976" in line 9.
9. On page 13, line 6, insert an underscored comma after "expenditure"; in line 20 strike the first "services" and show stricken; and in line 27 strike "and".
10. For correlation purposes, on page 14, strike line 22 and insert "Bill 903, Eighty-fourth Legislature, Second Session,"; in line 23 strike "1975" and insert "1976"; strike the stricken matter in line 24; remove underscoring in lines 24, 26, and 27; on page 15, after "district" insert "in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December, 1976, and each December thereafter."; and strike beginning with "on" in line 3 through line 25.
11. Strike the comma on page 16, line 6, and the first comma in line 9 and show stricken; and in

line 23 strike "to" and insert "of".

12. On page 17, line 5, strike "to" and insert "of"; and strike line 12 and insert "appointees shall have the same qualifications as".

13. On page 20, line 20, strike "13 and 14" and insert "15 and 16"; and strike line 21 and insert "article 9.".

14. On page 21, line 11, strike "3" and insert "903"; and in line 12, strike "First Special Session, 1975" and insert "Second Session, 1976".

15. In the title, line 8, strike "3" and insert "903"; and strike line 9 and insert "Legislature, Second Session, 1976".

LEGISLATIVE BILL 761A. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 760. Placed on General File as amended.
Standing Committee amendments to LB 760:

1. Strike section 1 and renumber original sections 2 to 10 as sections 1 to 9.

2. On page 5, line 5, strike "he first secures" and insert "~~he first secures~~ without first securing".

3. On page 6, strike the new matter in lines 11 through 14.

4. On page 10, strike line 13 and insert "shall have five years in".

5. Renumber original section 11 as section 13, original sections 12 to 14 as sections 10 to 12, and original sections 15 to 19 as sections 14 to 18.

6. On page 12, line 24, strike "if" and insert "unless".

7. On page 13, lines 11 and 12, strike "a probationary" and insert "an inaugural".

8. On page 14, line 8, strike "79-1819" and insert "~~79-1819~~ 79-1820".

9. On page 17, insert "representing a school in a single location" at the end of line 5.

10. On page 18, line 6, strike "79-1801,".

11. In the title, line 2, strike "79-1801,"; line 11, strike "a probationary" and insert "an inaugural".

LEGISLATIVE BILL 953. Placed on General File.
LEGISLATIVE BILL 965. Placed on General File.

(Signed) Frank Lewis, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 993. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's office. Req. No. 2694)

(Signed) Gary L. Anderson, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 703 in the Journal. No objections. So ordered.

Amend Committee amendment to insert on Schmit amendment Section 4, at the end of the first sentence the phrase "and also includes the loss of any other benefits which could reasonably have flowed to the injured party at any time in the future in the absence of the wrongful act involved."

ADJOURNMENT

At 4:27 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, March 12, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

FORTY-SEVENTH DAY—MARCH 12, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 12, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Dr. Alva H. Clark, St. Paul United Methodist Church, Omaha, Nebraska.

> Eternal God, Creator and Maintainer of the Universe, we have been taught that you are concerned for the personal lives of all your children. We have tried to find more effective ways of living in mutual respect, dignity and concern for each other. We have elected persons to represent us in writing laws and evaluating programs which enable us to function as a people in this part of your world. As these persons strive to be of service to all whom they represent, enable them to be equally concerned for eternal purposes toward which all of us may be motivated. As they seek to know the will of those who trust them, give at least equal concern to be obedient to the inner voice of conscience at the same time that they listen to the contending voices of conflicting interests, give at least equal sensitivity to the inner voice which comes from the profound depths of the Spirit.
>
> In moments when dollars become a powerful controller of destiny, give at least equal concern for the human needs to be met with those dollars. In a day when limited vision restricts our horizon to the area of personal cost, give at least equal concern for those whom we may never see, but who are affected by little things which happen in isolated places of our universe. In the moment when power plays seem to be more significant than all else, keep us aware of the importance of quiet places, where power rests more on knowledge than on our strategic methods of parliamentary procedure. We give thanks for each person here who is committed to public service, personal achievement, group empowerment, and institutional strength. Through all deliberations of these persons, let the still small voice of truth and righteousness speak through minds that are clear, emotions that

are calm, and spirits that are filled with compassion. Thus may your Glory be expressed and your children blessed. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Bereuter, Johnson, Kelly, Luedtke, and Stull who were excused; Mr. Moylan who was excused until he arrives; and Mr. Cavanaugh who was absent until 10:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-sixth Day was approved.

MESSAGES FROM THE GOVERNOR

March 5, 1976

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointments to the Court of Industrial Relations for six year terms expiring January 23, 1982, requiring legislative confirmation:

J. Patrick Green, Suite 707 City Nat'l Bk. Bldg. Omaha, Nebraska 68102

Dean G. Kratz, 1850 So. 105th, Omaha

I respectfully submit these appointments for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:do

March 5, 1976

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Agricultural Products Industrial Utilization Committee requiring legislative confirmation:

Wayne R. Winslow, 3605 South 114th Street, Omaha 68144 (to complete term of Gary Shults, Lincoln, term expiring July 1, 1979)

I respectfully submit this appointment for your consideration.

Sincerely,
(Signed) J. James Exon
Governor

JJE:do

COMMUNICATION

State of Nebraska
Department of Revenue

March 10, 1976

Mr. Ray A. C. Johnson
State Auditor
2303 State Capitol
Lincoln, NE 68509

Dear Mr. Johnson:

In accordance with the provisions of the statutes that require the Tax Commissioner to examine the books, records, and accounts of the Auditor of Public Accounts of the State of Nebraska, we herewith submit our report of the Examination of the Auditor of Public Accounts for the fiscal years ending June 30, 1973, and June 30, 1974.

Sincerely,
(Signed) William E. Peters
State Tax Commissioner

Enclosures
cc: Governor Exon
Legislature

(Report on file in the Clerk's office.)

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 647, 758, 759, 775, 803, 858, 898, 961, 990, 995, 999,and 1005.

Correctly Enrolled

The following bills were correctly enrolled: 642, 825, 903, and 996.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 642, 825, 903, and 996.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 25.

A BILL FOR AN ACT to amend section 71-173, Revised Statutes Supplement, 1974, relating to the practice of podiatry; to redefine the practice of podiatry as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson
Barnett
Burbach
Burrows
Carsten
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Fowler
Goodrich
Hasebroock
Kennedy
Kime
Koch
Kremer
F. Lewis
R. Lewis
Mahoney
Maresh
Marsh
Marvel
Mills
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Swigart
Syas
Warner
Wiltse

Voting in the negative, 2:

Dworak
George

Not voting, 9:

Bereuter
Cavanaugh
Fitzgerald
Johnson
Kelly
Keyes
Luedtke
Moylan
Stull

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 454.

A BILL FOR AN ACT to amend section 68-1005, Reissue Revised Statutes of Nebraska, 1943, relating to the aged, blind, and disabled; to change the qualifications for assistance; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Anderson
Burbach
Burrows
Carsten
Chambers
Cope
Duis
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Keyes
Koch
Kremer
F. Lewis
R. Lewis
Mahoney
Maresh
Marsh
Mills
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Syas
Wiltse

Voting in the negative, 5:

Clark
Dickinson
Dworak
Rasmussen
Warner

Not voting, 15:

Barnett
Bereuter
Cavanaugh
DeCamp
Johnson
Kelly
Kennedy
Kime
Luedtke
Marvel
Moylan
Murphy
Nichol
Stull
Swigart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 454A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 454, Eighty-fourth Legislature, First Session, 1975.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Barnett	Burrows	Carsten	Chambers	Cope
DeCamp	Dickinson	Duis	Fitzgerald	Fowler
Goodrich	Hasebroock	Keyes	Koch	Kremer
F. Lewis	R. Lewis	Mahoney	Maresh	Marsh
Mills	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 2:

Clark	Dworak

Not voting, 14:

Anderson	Bereuter	Burbach	Cavanaugh	George
Johnson	Kelly	Kennedy	Kime	Luedtke
Marvel	Moylan	Murphy	Stull	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 688. With Emergency.

A BILL FOR AN ACT to amend section 16-302.01, Revised Statutes Supplement, 1975, relating to cities of the first class; to remove the requirement of electing a water commissioner; to harmonize provisions; to repeal the original section, and also sections 16-689, 16-690, and 19-1405, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson	Barnett	Burbach	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Kennedy	Keyes	Koch
Kremer	R. Lewis	Mahoney	Maresh	Marsh
Marvel	Mills	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Stoney	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 4:

Kime	F. Lewis	Simpson	Skarda

Not voting, 7:

Bereuter Cavanaugh Johnson Kelly Luedtke
Moylan Stull

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 722. Mr. Warner moved to return LB 722 to Select File for the following specific amendment:

Page 7, line 3, immediately after the word placement, insert the sentence "The State Apiarist shall foreward the legal descriptions of the locations involved, along with the number of colonies on each location, to the appropriate county assessors, so that those colonies of bees are added to that years county tax rolls."

The motion lost with 18 ayes, 20 nays and 11 not voting.

LEGISLATIVE BILL 722. With Emergency.

A BILL FOR AN ACT to amend sections 81-2,170, 81-2,171, and 81-2,174, Reissue Revised Statutes of Nebraska, 1943, relating to bee husbandry; to change the entry requirements applicable to bees on comb, used hives, and other used apiary appliances; to eliminate entrance fees and change certificate fees; to repeal the original sections, and also section 81-2,171.01, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Anderson Burbach Burrows Carsten Chambers
Cope DeCamp Dickinson Duis Dworak
Fitzgerald Fowler George Goodrich Hasebroock
Kennedy Keyes Kime Koch F. Lewis
R. Lewis Mahoney Maresh Mills Nichol
Rasmussen Rumery Savage Schmit Simpson
Skarda Stoney Swigart Syas Wiltse

Voting in the negative, 2:

Kremer Warner

Not voting, 12:

Barnett
Bereuter
Cavanaugh
Clark
Johnson
Kelly
Luedtke
Marsh
Marvel
Moylan
Murphy
Stull

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 752. With Emergency.

A BILL FOR AN ACT to amend section 2, Legislative Bill 610, Eighty-fourth Legislature, First Session, 1975, as amended by section 1, Legislative Bill 756, Eighty-fourth Legislature, Second Session, 1976, relating to appropriations; to increase appropriations to the State Department of Education; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Anderson
Barnett
Burbach
Burrows
Carsten
Chambers
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Mahoney
Maresh
Marsh
Mills
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 9:

Bereuter
Cavanaugh
Clark
Johnson
Kelly
Luedtke
Marvel
Moylan
Stull

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 805. With Emergency.

A BILL FOR AN ACT to amend section 23-107.01, Revised Statutes

Supplement, 1975, to change the requirements for legal publication for the sale or lease of real estate owned by the county; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the qestion is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson
Burbach
Burrows
Carsten
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Kennedy
Keyes
Koch
Kremer
F. Lewis
R. Lewis
Mahoney
Maresh
Marsh
Marvel
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 11:

Barnett
Bereuter
Cavanaugh
Chambers
Johnson
Kelly
Kime
Luedtke
Mills
Mcylan
Stull

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 833.

A BILL FOR AN ACT to amend section 79-1247.06, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide uniform standards for the first issuance of certificates or permits valid for teaching only; to provide renewal rights; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Anderson
Burbach
Burrows
Carsten
Chambers
Cope
DeCamp
Dickinson
Dworak
Fitzgerald

Fowler George Goodrich Hasebroock Keyes
Koch Kremer F. Lewis R. Lewis Mahoney
Maresh Marsh Marvel Nichol Rumery
Savage Schmit Simpson Skarda Stoney
Swigart Syas Warner Wiltse

Voting in the negative, 2:

Clark Rasmussen

Not voting, 13:

Barnett Bereuter Cavanaugh Duis Johnson
Kelly Kennedy Kime Luedtke Mills
Moylan Murphy Stull

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MEMBERS BIRTHDAY

Mr. F. Lewis announced today is the birthday of Mr. Nichol.

SELECT FILE

LEGISLATIVE BILL 819. Mr. Chambers asked unanimous consent to withdraw his pending motion found in the Journal on page 1071 for the Forty-sixth Day to indefinitely postpone. No objections. So ordered.

Mr. Chambers requested a machine vote on advancing to E & R for Engrossment.

Mr. Dworak moved for a Call of the House. The motion prevailed with 24 ayes, 3 nays and 22 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed.

Advanced to E & R for Engrossment with 28 ayes, 1 nay and 20 not voting.

LEGISLATIVE BILL 974. E & R amendment found in the Journal on page 1083 for the Forty-sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 761. E & R amendments found in the Journal on page 1083 for the Forty-sixth Day were adopted.

Mr. Koch renewed his pending amendment found in the Journal on page 1077 for the Forty-sixth Day.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. F. Lewis offered the following amendment:

1. On page 11, lines 21 and 25 strike "March 31" and insert "February 1".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. F. Lewis moved to advance to E & R for Engrossment.

Mr. F. Lewis requested a Call of the House. The motion prevailed with 21 ayes, 0 nays and 28 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

Advanced to E & R for Engrossment with 27 ayes, 2 nays and 20 not voting.

LEGISLATIVE BILL 761A. Advanced to E & R for Engrossment.

MESSAGE FROM THE GOVERNOR

March 12, 1976

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

The Governor's supplemental appropriation bill for the support of pre-school programs for mentally retarded children has finally been reported out of committee.

It was my intent in LB 972 that pre-school programs for mentally retarded children be funded at levels which would allow them to continue their work in this very important area.

On November 19, 1975, I stated my intent to request funds for pre-school services for mentally retarded children. Community-based mental retardation programs were then urged not to drop services to pre-school children pending action on my recommendations by the Legislature.

With this in mind, I requested that the Department of Administrative Services work closely with the Nebraska Association for Retarded Citizens (NEBARC)--which represents retarded citizens and parents' groups across this state--to develop cost figures on pre-school programs. The $528,000 I recommended as provided in LB 972 for pre-school programs for mentally retarded children is that amount developed with the help of and agreed to by NEBARC.

It was my expectation following the passage of Legislative Resolution 2 in this previous Special Session of the Legislature, that the question of funding for programs for mentally retarded citizens would be handled expeditiously through the Legislative process.

> Legislative Resolution 2 states in part:
>
> "That the Legislature calls upon the Governor to continue a level of reimbursement to the community-based mental retardation programs such that no reduction in quantity or quality of services occurs until the Legislature can meet in regular session and establish a proper level of services for the remainder of the fiscal year."
>
> LR 2 passed with 37 ayes and no objections.

NEBARC officials obtained information from the Mental Retardation Regions as to what they were actually expending in pre-school programs.

In preparing LB 972 for introduction we used the figures provided us by NEBARC, and allocated the $528,000 in the bill based on a formula that would provide funds to each region based upon their actual expenditures as reported, as follows:

Region I	$ 69,696
Region II	50,213
Region III	80,098
Region IV	42,715
Region V	162,993
Region VI	122,285

Since LB 972 was prepared, new facts and figures have come to my attention. Community-based programs for the mentally retarded have reduced pre-school programs contrary to my recommendations.

In a letter to Senator Marvel dated January 12, 1976, the Regional Directors of community-based programs for the mentally retarded indicated new amounts with which remaining programs could continue to operate at adequate levels. In so doing the regions changed their previous requests.

Therefore, it is my recommendation that LB 972 be amended--still within the $528,000 figure--to reflect the latest amounts requested by the Regional Directors from Region I through Revion V with the remaining funds to be allocated to Region VI-ENCOR; and to allow funds to be expended as the governing boards may determine.

The new amounts would be:

Region I	$ 39,000
Region II	76,068
Region III	90,235
Region IV	34,000
Region V	80,000
Region VI	208,697

I do not recommend funding the full new amount requested by Region VI-ENCOR which is now $676,137, but rather limit them to $208,697 as indicated.

As late as the middle of November, 1975, ENCOR officials anticipated revenue from all sources of 5.5 million. It is their contention now that this figure is $350,000 too high and that the State of Nebraska should assume liability for these lost revenues--even though $250,000 is revenue lost from local sources.

It should be pointed out that while ENCOR has been requesting larger and larger amounts of funds from the State each and every year, the five counties composing ENCOR have increased their contributions by a total of only $1,325 since FY 1972/1973.

$100,000 of the $350,000 loss of anticipated revenue by ENCOR is composed of funds allocated to ENCOR in LB 605 and LB 610 from the Division of Vocational Rehabilitation Services. A request might be made by the Legislature, since we have not been successful in obtaining the information, as to what the Department of Education did with the funds which you appropriated.

This problem has been brought to the attention of the Commissioner of Education and the Appropriations Committee by my staff. It has not been resolved.

I believe the recommendation that I make to you today herewith will fairly resolve the requirements of community-based mental retardation regions.

All agree that the Governor's funding recommendations for FY 1976/1977, accepted by the Appropriations Committee, are adequate.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:lm

MOTION–Return LB 819 to Select File

Mr. Keyes moved to return LB 819 to Select File for the following specific amendment:

Adopt the Koch amendment on page 1043.

Motion pending.

UNANIMOUS CONSENT–Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 917 in the Journal. No objections. So ordered.

AMENDMENT TO LB 917, WHITE COPY

1. On page 2 of the amended bill, strike lines 1 through 5 and insert "is available for such class;"; strike lines 10 and 11 and insert "practice of medicine and surgery and licensed under sections 71-1,102 to 71-1,107.14, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, or".

2. On page 8 of the amended bill line 3 after "state" insert "and subject to the provisions of this act".

NOTICE OF COMMITTEE HEARING
Committee on Committees

March 12, 1976

The Committee on Committees will meet at 12:00 Noon, Friday, March 19, 1976, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

J. Patrick Green - Court of Industrial Relations
Dean G. Kratz - Court of Industrial Relations
Wayne R. Winslow
Agricultural Products Industrial Utilization Committee

(Signed) John S. Savage, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 131.

Introduced by Cope, 36th District.

WHEREAS, the Nebraska Legislature is ever conscious to ensure the safety of our state's citizens on the highways, in their work, in transportation of people and materials, in homes, and in recreation; and

WHEREAS, our present traffic education program has certain limitations, including a need for a new curriculum and the need for the development of facilities to improve safety education instruction and provide for practical experiences; and

WHEREAS, there is no institution of higher learning in Nebraska which prepares safety specialists to organize safety programs; and

WHEREAS, the Nebraska Highway Safety Program, a division of the Department of Motor Vehicles, is currently funding a Feasibility Study at Kearney State College to determine the prospect of developing a "State Traffic Education Center"; and

WHEREAS, a number of State agencies and private associations have expressed a positive interest in wanting to encourage and work with such a center; and

WHEREAS, the primary purpose of such a center would be functional in nature and would provide services related to safety education which would eventually lead to a reduction in the number of fatalities, injuries, and the amount of property damage suffered by the people of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That an Interim Study Committee appointed by the Legislature analyze the problem and examine the advisability of implementing a "State Safety Education Center."

2. That the committee make a report of its findings together with its recommendations for possible legislation to the next regular session of the Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 987. Placed on General File as amended.

Standing Committee amendments to LB 987:

1. On page 15, lines 2 and 5 after "opposing" insert "for another person as defined in section 38 of this act,".

2. On page 16, line 4 strike "lobbying"; and in line 10 strike "lobbying" and insert "activities".

3. On page 55, lines 21 and 22 strike "created by state statute" and insert "of the state or any county which examines or licenses a business, trade, or profession, or which determines rates for or otherwise regulates a business".

4. Strike original section 107 to 112 and insert the following:

"Sec. 107. There is hereby established the Nebraska Accountability and Disclosure Commission. The commission shall be composed of eight members, including the Governor and the Secretary of State. The remaining six members shall be appointed, subject to confirmation by the Legislature, as follows:

(1) Three members shall be appointed by the Governor in the following manner:

(a) One member from each of two lists submitted by the Legislature. Each list shall contain at least three individuals; and

(b) One member from the citizenry of the state at large; and

(2) Three members shall be appointed by the Secretary of State in the following manner:

(a) One member from a list of at least three individuals submitted by the democratic state chairman;

(b) One member from a list of at least three individuals submitted by the republican state chairman; and

(c) One member from the citizenry of the state at large.

Sec. 108. The Governor and Secretary of State shall make their appointments in such a manner as to assure that not more than four of the six appointed members of the commission shall be from the same political party. The appointments provided for in subdivisions (1) (a), (2) (a), and (2) (b) of section 107 of this act shall be made prior to any other appointments. The appointment provided for in subdivision (1) (b) of section 107 of this act shall precede the appointment provided for in subdivision (2) (c) of section 107 of this act.

Sec. 109. If a political party other than a legally recognized party shall receive at least five per cent of the entire vote of the state at a general election, the membership of the commission shall be increased by one. The additional member shall be appointed by the Governor from a list of at least three individuals submitted by the state chairperson of the political party receiving such five per cent vote and shall be subject to confirmation by the Legislature in the same manner as the other appointed commissioners are selected and confirmed. Should any political party fail to poll at least five per cent of the entire vote of the state at a general election, the position of that party shall be terminated, except that any person serving as a member may serve to the end of that person's term.

Sec. 110. Each person appointed to the commission by the Governor or the Secretary of State shall file with the commission and with the Legislature's Committee on Committees a statement of financial interests, pursuant to sections 94 to 106 of this act, within ten days of the submission of the person's appointment to the Legislature, or that person's name shall be deemed withdrawn from consideration.

Sec. 111. The Legislature shall conduct open confirmation hearings with respect to the qualifications of each person appointed to the commission and submitted for confirmation by the Governor or the Secretary of State, and under no circumstances may such hearings be closed to the public. Hearings need not be held regarding a person who has, in a written letter to the Governor, withdrawn his name from consideration.

Sec. 112. (1) Within sixty days after the effective date of this act, the lists of persons nominated for appointments to the commission shall be submitted to the Governor and Secretary of State. An individual may not appear upon both of the initial lists submitted by the Legislature. The Governor and Secretary of State shall submit their appointments to the Legislature within ninety days after the effective date of this act. If the Governor and Secretary of State do not receive the lists within the prescribed period, they shall make appointments of their own choosing, subject only to the restrictions as to qualifications of members under section 107 of this act.

(2) If the Legislature has not finally acted upon an initial or subsequent appointment within sixty days of its submission by the Governor or the Secretary of State, that person shall be seated as an acting member of the commission, with full powers, until the Legislature so acts.

Sec. 113. (1) The appointed members of the commission shall serve for terms of six years, except that, of the members first appointed, the Governor shall designate:

(a) One individual from a list submitted by the Legislature to serve a term of one year;

(b) The individual appointed at large to serve a term of three years; and

(c) One individual from a list submitted by the Legislature to serve a term of five years; and the Secretary of State shall designate:

(a) The individual from the list submitted by the democratic state chairman to serve a term of two years;

(b) The individual appointed at large to serve a term of four years; and

(c) The individual from the list submitted by the republican state chairman to serve a term of six years.

(2) All succeeding appointments to the commission shall be made in the same manner as the original appointments are made and succeeding appointees shall have the same qualificstions as their predecessors.

Sec. 114. (1) The Governor or Secretary of State shall, within sixty calendar days of the occurrence of any vacancy on the commission, whether the vacancy occurs by expiration of a term of office or otherwise, submit the names of succeeding appointees. A list of individuals to fill such a vacancy shall be submitted to the Governor or Secretary of State within forty days of the occurrence of such vacancy. If the Governor or Secretary of State do not receive such lists within the prescribed period, the Governor or Secretary of State may make appointments of their own choosing, subject to confirmation by the Legislature.

(2) No individual appointed to the commission shall serve more than one full six-year term on the commission.

Sec. 115. An individual appointed to fill a vacancy, occurring other than by the expiration of a term of office, shall be appointed for the unexpired term of the member such individual succeeds and shall be eligible for appointment to one full six-year term thereafter; Provided, that not more than three years remain in the unexpired term. The individuals initially appointed may be reappointed if they were initially appointed to serve not more than three years.

Sec. 116. No appointed individual, while a member of the commission, shall (1) accept appointment to any other political or public office, (2) hold or campaign for any other political or public office, or (3) hold office in any political party or political committee.

Sec. 117. No member or employee of the commission shall disclose or discuss any statements, reports, records, testimony, or other information or material deemed confidential by this act unless ordered by a court or except as necessary in the proper performance of such member's or employee's duties under this act. Any member who violates this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than ninety days, or by both such a fine and imprisonment.

Sec. 118. Members may be removed by the Governor for inefficiency, neglect of duty, misconduct in office, mental or physical disability, or for taking part in activities prohibited by sections 116 and 117 of this act, but only after delivering to the member a copy of the charges and affording him an opportunity to be publicly heard in person, or by counsel, in his own defense, upon not less than ten days' notice. Such hearing shall be held before the Governor.

Sec. 119. The commission shall organize by selecting a chairperson, a vice-chairperson, and a secretary from among its members who shall hold office at the pleasure of the commission The vice-chairperson shall act as chairperson in the absence of the chairperson or in the event of a vacancy in that position. The secretary shall keep all records of meetings and actions taken by the commission.

Sec. 120. Four members of the commission shall constitute a quorum and the concurrence of four members of the commission shall be required for any action or recommendation of the commission, except that the concurrence of five members shall be required before any sanction may be imposed pursuant to section 128 of this act.

Sec. 121. The commission shall meet at such times and places as shall be determined by the commission and shall keep a record of its proceedings. Special meetings may be called by the chairperson. Such special meetings shall be called by such chairperson upon receipt of a written request signed by three or more members of the commission. Written notice of the time and place of all meetings shall be mailed in advance to each member of the commission by the secretary.

Sec. 122. The Governor and the Secretary of State shall receive no compensation for their services as commission members other than any salary allowed them by law, but shall be reimbursed for their actual and necessary expenses. The appointed members shall be paid a per diem of fifty dollars for each day actually and necessarily engaged in the performance of their duties as members of such commission in addition to such expense allowance. Reimbursement for expenses shall be on the same basis and subject to the same conditions as full-time state employees.".

5. On page 79 strike beginning with "This" in line 19 through the period in line 20 and insert "Sections 45 to 106 and 144 of this act shall become operative July 1, 1977.".

6. Renumber original sections 113 to 134 as sections 123 to 144 respectively.

(Signed) Gary L. Anderson, Chairman

GENERAL FILE

LEGISLATIVE BILL 703. Considered.

Mr. Fowler asked unanimous consent to withdraw his pending amendment found in the Journal on page 1085 for the Forty-sixth Day to Standing Committee amendment No. 5. No objections. So ordered.

Mr. Fowler offered the following amendment to Standing Committee amendment No. 5.

Strike from Section 19(4) in Schmit amendment the word "financial" in the first sentence and add Fowler amendment page 1085 of the Journal as follows:

Amend Committee amendment to insert on Schmit amendment Section 4, at the end of the first sentence the phrase "and also includes the loss of any other benefits which could reasonably have flowed to the injured party at any time in the future in the absence of the wrongful act involved."

The amendment was adopted with 35 ayes, 0 nays and 14 not voting.

Standing Committee amendment No. 5, as amended, was adopted with 26 ayes, 1 nay and 22 not voting.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 700. Indefinitely postponed.
LEGISLATIVE BILL 844. Indefinitely postponed.

(Signed) Gary L. Anderson, Chairman

RECESS

At 11:58 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bereuter, Duis, Kelly, Koch, Luedtke, Johnson, and Stull who were excused; and Mr. Cavanaugh who was excused until 2:30 p.m.

MESSAGES FROM THE GOVERNOR

March 11, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 763.

This bill was signed by me on March 11, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

March 11, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 626, 684, 692, 715, 724, 756, 786, 795, 795A, 846, 877, 884, 944, 971, 971A, and 994.

These bills were signed by me on March 11, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

GENERAL FILE

LEGISLATIVE BILL 703. Considered.

Mr. Schmit offered the following amendment to Standing Committee amendment No. 6:

2. Sec. 21, page 8, lines 13 and 14, strike "after actual notice by the health care provider of the terms of this act"; and on line 17 strike after "elected" the words "in writing" and on line 18 after "act" add "(b) filed such election with the director in advance of any treatment, act, or omission upon which any claim or cause of action is based, and" and renumber succeeding subsection (c). On page 9, line 7, delete the period and add "and filed with the director."

Amendment pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 688.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 688.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 785. Placed on General File.

(Signed) Frank Lewis, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Murphy asked unanimous consent to print the following amendment to LB 948 in the Journal. No objections. So ordered.

1. On page 11, line 14 after the period insert "Any such assessment, except as otherwise provided in this section, shall be collected at such

time as the member credit union is in sound financial condition, and under such conditions as the board of directors may direct.".

Mr. Syas asked unanimous consent to print the following amendment to LB 797 in the Journal. No objections. So ordered.

1. On page 2, strike lines 24 through 27.
2. On page 3, strike the new matter in lines 1 and 2 and insert "of six hundred seventy-five dollars per month."; and strike lines 16 through 18 and insert "Constitutional amendment to fix the salary of each member of the Legislature at six hundred seventy-five dollars per month.".

GENERAL FILE

LEGISLATIVE BILL 703. The Schmit amendment to the Standing Committee amendment No. 6 found in this day's Journal was renewed.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The Schmit amendment was adopted with 15 ayes, 12 nays and 22 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 25, 454, 454A, 722, 752, 805, and 833.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 25, 454, 454A, 722, 752, 805, and 833.

LEGISLATIVE BILL 703. Considered.

Mr. Chambers offered the following amendment to Standing Committee Amendment No. 6:

To amend Committee Amendment No. 6, p. 9, 10: Strike (2) & (3) of Section 21.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 3 nays and 24 not voting.

MR. SAVAGE PRESIDING

The Chambers amendment to Standing Committee Amendment No. 6 lost with 6 ayes, 19 nays and 24 not voting.

Standing Committee Amendment No. 6 pending.

MESSAGE FROM THE GOVERNOR

March 11, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 634, 670, 676, 768, 812, 820, and 868.

These bills were signed by me on March 11, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 816. Placed on General File as amended.
Standing Committee amendment to LB 816:

1. Strike original section 1 and insert the following:

"Section 1. In the elementary schools of Nebraska, if any school district shall choose, the state shall not forbid a brief time to be taken for reverent silence or the pledge of allegiance to the flag on a completely voluntary basis, nor shall the state forbid the participation of such students in normal exercises coincident with the celebration of our Nation's holidays.

(Signed) Frank Lewis, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 937A. By Anderson, 37th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 937, Eighty-fourth Legislature, Second Session, 1976.

UNANIMOUS CONSENT–Print in Journal

Mr. Barnett asked unanimous consent to print the following amendments to LB 691 in the Journal. No objections. So ordered. (A)
Page 79, Line 19 Strike "five" and insert "seven"
Page 80, Line 1 Strike "five" and insert "Seven"
Page 80 Strike Lines 4 through 8
(b)
Page 79, Line 19 Strike "five" and insert "six"
Page 80, Line 1 Strike "five" and insert "six"
Page 80, Line 5 Strike "two" and insert "One"
(c)
Page 80, Line 9 Add a new subsection to Section 85

(f) It is the intent of this Legislature to assure that all merit increases are given to deserving employees on a fair and impartial basis and such money allocated for merit shall only be used for merit purposes. To assure that this intent is carried out each agency covered by this Act is directed to submit a report to the Legislature by no later than February 1, 1977 detailing by classification the number of employees in each classification, the number of employees given merit increases, the average size of the merit increases, and the total amount spent by classification for merit increases.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 12, 1976 at 2:40 p.m., was the following bill: 688.

(Signed) Janet Loder, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 797. Title read. Considered.

Standing Committee amendments found in the Journal on page 801 for the Thirty-sixth Day were rejected with 28 ayes, 0 nays and 21 not voting.

The Syas amendment found in the Journal on page 1107 today was adopted with 26 ayes, 0 nays and 23 not voting.

Mr DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 881 for the Thirty-ninth Day. No objections. So ordered.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 674A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 687. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 687A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 716. Title read. Considered.

The Standing Committee amendment found in the Journal on page 506 for the Nineteenth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 660. Title read. Considered.

The Murphy pending amendment found in the Journal on page 549 for the Twenty-first Day was adopted with 25 ayes, 2 nays and 22 not voting.

Mr. Keyes offered the following amendment:
Page 4, line 7, after the word transactions:
insert: " authorized by this section for its
members and terminating within the State of
Nebraska, provided loans may not be initiated
by electronic transmission transactions
without specific prior approval of the
credit unions involved."

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

LEGISLATIVE BILL 948. Title read. Considered.

Standing Committee amendments found in the Journal on page 521 for the Twentieth Day were adopted with 26 ayes, 0 nays and 23 not voting.

The Murphy pending amendment found in the Journal on page 549 for the Twenty-first Day was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Murphy asked unanimous consent to withdraw his pending amendment found in this day's Journal. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 787. Title read. Considered.

Standing Committee amendments found in the Journal on page 609 for the Twenty-fifth Day were adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 826. Title read. Considered.

Mr. Rumery offered the following amendment:

AMENDMENTS TO L.B. 826

1. Strike original sections 1 to 5 and insert the following:

"Section 1. There is hereby created a fund, to be known as the Coal By-products and Research Cash Fund, which shall be used to provide for research into the use of coal and by-products of coal in order to achieve maximum utilization of coal and its by-products.

Sec. 2. The State Treasurer shall accept grants, bequests, gifts, contributions, and any other funds from any governmental agency, person, and corporation which are made for the purpose of funding coal by-product research and deposit such funds in the Coal By-products and Research Cash Fund.

Sec. 3. That section 66-468, Revised Statutes Supplement, 1974, be amended to read as follows:

66-468. The fund shall be administered by the Agricultural and Coal Products Industrial Utilization Committee which is hereby established. The committee shall consist of ~~seven~~ nine members to be appointed by the Governor, subject to confirmation by the Legislature. , ~~for terms of two years each.~~ Four members shall be actually engaged in farming in this state, one in general farming, and one each in the production of corn, wheat, and milo. One member shall be actively engaged in the petroleum industry, one member shall be actively engaged in the production of electrical energy for distribution at wholesale, one member shall be actively engaged in the distribution of electrical energy at retail, and two members shall be actively engaged in business in this state. Upon the expiration of the terms of members serving on March 21, 1972, four members shall be appointed for terms of four years, and three members shall be appointed for two years, and upon expiration of those terms members shall be appointed for terms of four years. The Governor shall appoint the two members engaged in electrical energy distribution to such board within sixty days after the effective date of this act and shall appoint one member to serve a term similar to those members serving on March 21, 1972 appointed for terms of four years, and one member to serve a term similar to those members serving on March 21, 1972 appointed for terms of two years. Not more than ~~four~~ five member shall be members of the same political party, but this restriction shall not apply until the expiration of the terms of members serving on March 21, 1972. The Agricultural and Coal Products Industrial Utilization Committee shall retain the services of a full-time administrator and such administrator shall be appointed by the committee. The administrator shall hold office at the pleasure of the committee, and shall be entitled to all the benefits afforded an employee of the state. The Administrator shall compile for the committee a biennial report to be submitted to the committee and the Executive Board of the Legislative Council and such report shall set forth the activities, contracts, and projects of the committee for the previous biennium and the sums expended.

Sec. 4. The Agricultural and Coal Products Industrial Utilization Committee shall conduct research concerning the development of uses for by-products of coal. Initial research shall be funded by an appropriation from the General Fund in the amount of ten thousand dollars. At such time as such initial research money is spent, the committee may conduct additional research on coal by-products with money received pursuant to section 2 of this act and any funds appropriated by the Legislature for such purpose.

Sec. 5. The fund shall be used for the following purposes:

(1) Establishment, with cooperation of private industry, of procedures and processes necessary to the manufacture and marketing of coal and its by-products;

(2) Establishment of a procedure for utilization of smoke-stack emissions, nitrogen from the atmosphere, and coal tar gases;

(3) Analysis of the marketing process and testing of marketing procedures to assure acceptance in the private marketplace of by-products resulting from coal utilization; and

(4) Sponsoring research and development of uses for coal and by-products resulting from the use of coal in order to enhance economic feasibility.

Sec. 6. That original section 66-468, Revised Statutes Supplement, 1974, is repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, strike lines 2 to 6 and insert: "FOR AN ACT to amend section 66-468, Revised Statutes Supplement, 1974, relating to the Agricultural Products Industrial Utilization Committee; to rename the committee; to provide duties of the committee relating to coal research; to create a cash fund; to prescribe its name, purpose, and for funding; to repeal the original section; and to declare an emergency.".

The amendments were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 841. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 911. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 852. Title read. Considered.

PRESIDENT WHELAN PRESIDING

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

LEGISLATIVE BILL 916. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

MOTION–Withdraw LB 699

Mr. Hasebroock moved to withdraw LB 699.

Motion pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 12, 1976 at 4:15 p.m., were the following bills: 642, 825, 903, 996, 25, 454, 454A, 722, 752, 805, and 833.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 665, 667, 794, 839, 847, 861, and 974.

(Signed) Donald N. Dworak, Chairman

VISITORS

The President introduced 24 fourth through sixth grade students, teachers and parent from Gurley, Nebraska; Melissa Marsh, daughter of Mrs. Shirley Marsh; Heidi Spandler from Denver, Colorado and Sherry Bennet from Omaha, Nebraska, students at Colorado State University; 17 ninth through twelfth grade students, teachers and secretary from Sumner High School, Sumner, Nebraska.

ADJOURNMENT

At 4:28 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Monday, March 15, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 15, 1976

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, we confess we so often use our agility to avoid responsibility. Help us with the rush of constant pressures not to follow the lower levels and the easy escapes. Guide us lest we hurt those deeply upon whom we are most dependent. Through chance, or providence, we are here to do strategic work, and are challenged by issues far beyond our limited knowledge. Give to this Legislature humility of spirit, yet tenacity of intellect, that they may rise to new hieghts because of the mountainous issues before them. May each have a serenity of spirit which keeps them from frustrations, and enables the making of vital decisions in a calm and sane manner. In the name of our Master. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Anderson who was excused; and Messrs. DeCamp and F. Lewis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-seventh Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 819. Replaced on Select File as amended.
E & R amendments to LB 819:
1. In line 2 of the Mills amendment 1,
strike "~~or~~," and insert ", ~~or~~".

2. Because of the Mills amendment to page 4, lines 18 and 19, strike E & R 2.

3. Because of the Mills amendment to page 4, line 13, strike the new language inserted on page 4, line 18 by the Mills amendment to the Mills amendment.

(Signed) Donald N. Dworak, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 491. Mr. Mills moved to return LB 491 to Select File for the specific amendment found in the Journal on page 983 for the Forty-third Day.

Mr. Mills requested a record vote.

Voting in the affirmative, 12:

Bereuter
Burrows
Chambers
Fowler
Johnson
Kime
Luedtke
Marsh
Mills
Moylan
Simpson
Warner

Voting in the negative, 24:

Barnett
Carsten
Clark
Cope
Dickinson
Duis
Dworak
Fitzgerald
George
Hasebroock
Kelly
Kennedy
Koch
Kremer
R. Lewis
Mahoney
Maresh
Rasmussen
Rumery
Savage
Stoney
Stull
Swigart
Syas

Not voting, 13:

Anderson
Burbach
Cavanaugh
DeCamp
Goodrich
Keyes
F. Lewis
Marvel
Murphy
Nichol
Schmit
Skarda
Wiltse

The motion lost with 12 ayes, 24 nays and 13 not voting.

LEGISLATIVE BILL 491.

A BILL FOR AN ACT to repeal section 39-6,191, Reissue Revised Statutes of Nebraska, 1943, relating to guest passengers.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 15:

Bereuter
Burrows
Cavanaugh
Chambers
Fowler
Goodrich
Johnson
Keyes
R. Lewis
Luedtke
Marsh
Mills
Moylan
Simpson
Warner

Voting in the negative, 28:

Barnett
Burbach
Carsten
Clark
Cope
Dickinson
Duis
Dworak
Fitzgerald
George
Hasebroock
Kelly
Kennedy
Koch
Kremer
Mahoney
Maresh
Marvel
Nichol
Rasmussen
Rumery
Savage
Skarda
Stoney
Stull
Swigart
Syas
Wiltse

Not voting, 6:

Anderson
DeCamp
Kime
F. Lewis
Murphy
Schmit

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

MEMBER'S BIRTHDAY

The Chair announced today is the birthday of Mr. Wiltse.

SELECT FILE

LEGISLATIVE BILL 764. Mr. Stull renewed his pending amendment found in the Journal on page 1013 for the Forty-fourth Day.

The amendment lost with 6 ayes, 28 nays and 15 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 920. Mr. Stull re-offered his amendment found in the Journal on page 949 for the Forty-second Day.

Mr. Stull moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay and 27 not voting.

The Call showed 48 members present.

Mr. Stull requested a roll call vote.

Voting in the affirmative, 15:

Burbach	Carsten	Clark	Cope	Dworak
Luedtke	Mahoney	Nichol	Savage	Simpson
Skarda	Stull	Swigart	Syas	Wiltse

Voting in the negative, 31:

Barnett	Bereuter	Burrows	Cavanaugh	Chambers
DeCamp	Dickinson	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Johnson	Keyes
Kime	Koch	Kremer	F. Lewis	R. Lewis
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Rasmussen	Rumery	Schmit	Stoney
Warner				

Not voting, 3:

Anderson	Kelly	Kennedy

The amendment lost with 15 ayes, 31 nays and 3 not voting.

Mr. Stull moved the call be raised. The motion prevailed.

Mr. Stull offered the following specific amendment:

SPECIFIC AMENDMENT TO LB 920

1. On page 2 line 19 after "Education" insert "."; strike the new matter in line 20 and insert "The State Board of Education shall review the case and submit its recommendations in writing to the applicant and to the board of education of the school district.".

The amendment was adopted with 27 ayes, 8 nays and 14 not voting.

Mr. F. Lewis moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 806. Mr. R. Lewis asked unanimous consent to bracket.

Mr. Kelly objected.

Mr. R. Lewis moved to bracket LB 806.

Mr. Kelly withdrew his objection.

Mr. R. Lewis asked unanimous consent to bracket until Wednesday, March 17, 1976. No objections. So ordered.

UNANIMOUS CONSENT– Unbracket LB 409

Mr. Carsten asked unanimous consent to unbracket LB 409 on Select File.

Mr. Goodrich objected.

Mr. Carsten moved to unbracket LB 409.

Mr. Goodrich moved to amend the motion to unbracket LB 409 for tomorrow. The amendment lost with 9 ayes, 20 nays and 20 not voting.

The Carsten motion to unbracket LB 409 prevailed with 26 ayes, 11 nays and 12 not voting.

Mr. Dworak offered the following amendment:

1. Strike the Standing Committee amendments.

The amendment lost with 10 ayes, 20 nays and 19 not voting.

Mr. Goodrich moved to indefinitely postpone.

Motion pending.

UNANIMOUS CONSENT–Bracket LB 782

Mr. Kime asked unanimous consent to bracket LB 782 until March 16, 1976 on E & R Final. No objections. So ordered.

UNANIMOUS CONSENT–Unbracket LB 809

Mr. Chambers asked unanimous consent to unbracket LB 809. No objections. So ordered.

UNANIMOUS CONSENT–Bracket LB 809

Mr. Stoney asked unanimous consent to bracket LB 809 until tomorrow. No objections. So ordered.

UNANIMOUS CONSENT–Print in Journal

Mr. Stoney asked unanimous consent to print the following amendments to LB 809 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 809

1 . In Sec. 4, page 2, line 12, after the period, add the following: "Provided that no hospital outside of this state may become a member of such anassociation until one year after the effective date of this act; nor may any risks outside this state be insured under the provisions of this act by any mutual insurance association until one year after the issuance of a Certificate of Authority to transact insurance business by the Department of Insurance. All such risks shall be subject to the prior approval of the Director of Insurance.

In determing whether or not to grant approval for the insuring risks outside of Nebraska, the Director of Insurance shall consider the following:

(a) limits of indemnity;
(b) past and present loss experience of the hospital to be insured;
(c) statutes, court decisions and insurance climate of the jurisdiction in which the risk is located; and
(d) such other information as the Director may deem relevant.

2. In Sec. 6, subsection (2), page 3, strike lines 8 and 9, and re-index subsequent subparagraphs of subsection (2).

3. After Sec. 12, page 6, insert the following section and re-number all sections that follow:

"(1) Every mutual insurance association, incorporated pursuant to this act, shall, on or before March 1 of each year, pay an administrative fee to the Director, in an amount of three-tenths of one per cent of the gross amount of direct writing premiums received by it during the preceding calendar year for business done in this State.

(2) The computation of the administrative fee shall be made on forms furnished by the Department of Insurance and shall be forwarded to the Department together with a sworn statement by an appropriate officer of the company attesting the accuracy of the fee computation. The Department shall furnish such forms prior to the year end for which the fees are payable.

(3) The Director shall rescind or refuse to reissue the license of any mtuual insurance association which fails to remit said administrative fee in conformity with the provisions of this act. Prior to rescinding such license, the Director shall issue an order to said mutual insurance association directing the association to show cause why such rescission should not be made. The Director shall, give not less than 10 days notice for a hearing before the Department. Should the company be agrieved by such determination, an appeal may be made as set forth in Chapter 44.

4. Strike Sec. 14, page 6, and insert the following:

"Sec. 14. For the purposes of this act the director shall have the authority to determine the maximum exposure to loss on any risk to be written by the association. All policy forms, premium rates and limits of indemnity shall be filed with and subject to the approval of the director. In approving premium rates to be charged for malpractice insurance, limits of indemnity and members and risks outside this state, the director shall give due consideration to past and prospective loss and expense experience for medical malpractice insurance written and to be written, trends in the frequency and severity of the loss, the investment income of the association, and such other information as the director may deem relevant."

5. In Sec. 15, line 20 by striking "and 44" and insert ",44 and 77."

Mr. Fowler asked unanimous consent to print the following amendment to LB 806 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 806, AS AMENDED

1. Strike the Standing Committee amendment 3., found on Journal page 722, and in lieu thereof insert the following: on page 11 of LB 806, line 21, after "delivery" insert ", unless the superintendent of the hospital has on file a written request from a recipient or potential recipient that letters shall not be mailed to him, or unless there is reasonable cause to believe that the contents of any letter are threatening".

2. On page 17 of LB 806, line 6 after "following" insert ", but not more than one from each class".

3. On page 22, line 2, after "is" insert "not".

4. Amend that portion of Committee Amendment 12., found on Journal page 723, to page 24, of LB 806, line 4, to reinstate after "within", in line 4, page 24 of LB 806, the original language "forty-eight hours"; thereafter insert ", if possible, but in any event not longer than" before the word "five", in the committee amendment to line 4, page 24 of LB 806.

5. On page 40 of LB 806, lines 9 and 10, strike "or any subject who waives counsel,", and strike the Committee Amendment 17., found on Journal pages 723 and 724.

6. Strike the Committee Amendment 18., found on Journal page 724, and in lieu thereof insert the following: on page 42 of LB 806 strike lines 8 through 10 and insert:

"(10) The Nebraska Rules of Evidence applicable in civil proceedings shall be followed at all preliminary, final and other judicial hearings held under this act. In no event shall evidence be considered which is inadmissible in criminal proceedings.".

7. On page 43 of LB 806, line 26 after "probative" insert ", but not dispositive,".

8. In the Committee Amendment 20., found on Journal page 724, line 27 after "illness" insert "." and strike "and hasten his release from custody.".

9. In Committee Amendment 27., on Journal page 724, in lines 12 and 13, strike "or any person in his behalf".

MOTION—Withdraw LB 699

Mr. Hasebroock renewed his pending motion found in the Journal on page 1113 for the Forty-seventh Day to withdraw LB 699.

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

EXPLANATION OF VOTE

Had I been present on March 12, 1976, I would have voted "aye" on LB 25, LB 454, LB 454A, LB 688, LB 722, LB 752, LB 833, and LB 805.

(Signed) Douglas Bereuter

MOTION—Introduce Bill

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 1520)

Mr. Stull moved for a Call of the House. The motion prevailed with 24 ayes, 3 nays and 22 not voting.

Mr. Stull requested a roll call vote.

Voting in the affirmative, 33:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Cope	Fitzgerald	Fowler
Goodrich	Hasebroock	Johnson	Keyes	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Mills
Moylan	Murphy	Nichol	Rumery	Savage
Schmit	Simpson	Skarda	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 12:

Clark DeCamp Dickinson Dworak George
Kelly Kennedy Koch Kremer R. Lewis
Rasmussen Stoney

Not voting, 4:

Anderson Duis Kime Marvel

The motion prevailed with 33 ayes, 12 nays and 4 not voting.

Mr. Savage moved the Call be raised. The motion prevailed.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1011. By Appropriations Committee: Savage, 10th District; Goodrich, 20th District; Johnson, 15th District; Stull, 49th District; Marsh, 29th District.

A BILL FOR AN ACT to authorize The Board of Trustees of the Nebraska State Colleges to acquire Major's Hall on the Peru State College campus; to make an appropriation; and to declare an emergency.

MOTION–Suspend Rules

Mr. Marvel moved to suspend the rules and place LB 1011 on General File without a public hearing.

Mr. Stull moved for a Call of the House. The motion prevailed with 18 ayes, 6 nays and 25 not voting.

The motion to place LB 1011 on General File prevailed with 31 ayes, 9 nays and 9 not voting.

Mr. Stull moved the Call be raised. The motion prevailed.

UNANIMOUS CONSENT–Print in Journal

Mr. Nichol asked unanimous consent to print the following amendment to LB 690 in the Journal. No objections. So ordered.

AMENDMENT TO LB 690, AS AMENDED

1. On page 17 of LB 690, white copy, after line 18 insert:

"There is hereby appropriated an additional $225,000 from the General Fund for the purpose of renovation and repair of physical facilities of the Western Technical Community College Area.".

UNANIMOUS CONSENT—Member Excused

Mr. Rasmussen asked unanimous consent to be excused at 3:00 p.m., Tuesday, March 16, Wednesday, March 17, and Thursday, March 18, 1976 until he returns. No objections. So ordered.

MOTION—Overrule Speaker's Order

Mr. Schmit moved to overrule the Speaker's order and consider LB 703 at this time.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?"

Mr. Schmit moved for a Call of the House. The motion prevailed with 20 ayes, 8 nays and 21 not voting.

The Call showed 48 members present.

Mr. Chambers requested a roll call vote on closing debate.

Voting in the affirmative, 21:

Barnett
Cope
DeCamp
Dickinson
Fitzgerald
George
Hasebroock
Johnson
Kennedy
Keyes
Kime
Koch
Kremer
Maresh
Marsh
Rumery
Schmit
Stoney
Stull
Warner
Wiltse

Voting in the negative, 27:

Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Duis
Dworak
Fowler
Goodrich
Kelly
F. Lewis
R. Lewis
Luedtke
Mahoney
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Savage
Simpson
Skarda
Swigart
Syas

Not voting, 1:

Anderson

The motion to close debate lost with 21 ayes, 27 nays and 1 not voting.

Mr. Murphy moved the Call be raised. The motion prevailed.

The Schmit motion pending to consider LB 703.

EXPLANATION OF VOTE

Had I been present and voting on Friday, March 12, 1976, I would have voted Aye on LB 25, LB 454, LB 454A, LB 688(e), LB 722, LB 752, LB 733, LB 805(e).

(Signed) Roland A. Luedtke

UNANIMOUS CONSENT–Print in Journal

Mr. Murphy asked unanimous consent to print the following amendments to LB 917 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 917

Amendments to the white copy.

1. In Sec. 2, subsection (1), page 2, strike line 5 and substitute the following:
"health providers. For purposes of this Act, a class of health providers may be divided into subclassifications which bear a direct relationship to the insurance risk involved."
2. In Sec. 2, subsection (3), page 2, strike lines 10 and 11 and substitute the following:
"practice of medicine, surgery, osteopathy, physical therapy, nursing or a person acting as an anesthesiologist or nurse anesthetist; or"
3. In Sec. 7, subsection (4), page 7, strike lines 10 and 11 and insert the following language:
"of operation within 45 days after the board shall have been appointed, the Director shall establish a plan of"
4. In Sec. 9, subsection (1), page 9, strike the words: "State Treasurer" and insert the following language: "Director of Health".
5. In Sec. 8, subsection (2), page 8, line 2, strike the word "all" and substitute the word "each".
6. In Sec. 8, subsection (2), page 8, line 3, strike the word "providers" and Substitute the word "provider".
7. In Sec. 8, subsection (2), page 8, strike lines 8 and 9 and substitute the following:
"eligible provider during the preceding calendar year. The amount of assessment levied on all other health care providers shall be computed at a percentage rate not to exceed one half of the rate utilizied in computing the assessment for eligible providers."

VISITORS

The President introduced Marie Trainor; John and Linda Simpson, Heath and Jennifer of Utica, Nebraska, son and family of Mr. Simpson.

RECESS

At 12:00 noon, on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Anderson who was excused; and Mr. F. Lewis who was absent until 2:00 p.m.

MOTION—Overrule Speaker's Order

Mr. Schmit renewed his pending motion found in this day's Journal to overrule the Speaker's order and consider LB 703 today.

Mr. Warner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays and 17 not voting.

Speaker Burbach raised a point of order on Rule 1, Sec. 16, that General appropriation bills shall be given precedence over all other bills.

The Chair sustained the Speaker's point of order and that the Schmit motion would take a suspension of the rules.

The Schmit motion lost with 17 ayes, 27 nays and 5 not voting.

GENERAL FILE

LEGISLATIVE BILL 691. Title read. Considered.

Standing Committee amendments referred to on page 1048 for the Forty-fifth Day were adopted with 27 ayes, 2 nays and 20 not voting.

Mr. Cavanaugh offered the following amendment:
Sec 6
On Page 3, strike lines 18 to 25
On Page 3, lines 16 & 17, strike "132,260"
and insert "127,160"

On P. 4, line 16, strike "470,500"
and insert "465,400"
P. 4, line 18, strike "476,680"
and insert "471,580"

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 6:

Burrows Cavanaugh Dworak Fitzgerald R. Lewis
Mahoney

Voting in the negative, 32:

Barnett Bereuter Burbach Carsten Clark
Cope DeCamp Dickinson Duis George
Goodrich Hasebroock Johnson Kelly Keyes
Kime Koch Luedtke Marsh Mills
Murphy Nichol Rasmussen Rumery Savage
Simpson Stoney Stull Swigart Syas
Warner Wiltse

Not voting, 11:

Anderson Chambers Fowler Kennedy Kremer
F. Lewis Maresh Marvel Moylan Schmit
Skarda

The amendment lost with 6 ayes, 32 nays and 11 not voting.

Mr. Clark offered the following amendment:

AMENDMENTS TO LB 691

1. On page 4, line 27, and page 5, line 1,
strike "994,005" and insert "1,200,847".
2. On page 5, line 10, strike "1,085,950"
and insert "1,292,792"; and in line 12 strike "1,228,450"
and insert "1,435,292".

Mr. Syas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays and 13 not voting.

Mr. Clark asked unanimous consent to withdraw his amendment. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 797. Placed on Select File as amended.
E & R amendments to LB 797:

1. On page 2, reinstate the period in line 26 and insert the underscored matter in the Syas amendment 2 immediately prior thereto.

2. In the Syas amendment 2, line 3, strike the period.

3. In the title, strike lines 5 and 6 and insert "fix the salary of members of the Legislature; to".

LEGISLATIVE BILL 674A. Placed on Select File.

LEGISLATIVE BILL 687. Placed on Select File as amended.
E & R amendment to LB 687:

1. On page 3, strike the second comma in line 12 and the first comma in line 14.

LEGISLATIVE BILL 687A. Placed on Select File as amended.
E & R amendment to LB 687A:

1. On page 2, line 4, insert "to the Legislative Council," after the first comma.

LEGISLATIVE BILL 716. Placed on Select File as amended.
E & R amendment to LB 716:

1. In the title, line 4, strike "provide qualifications for" and insert "increase the"; in line 5 insert "city-county" after "on"; and at the end of line 5 insert "to eliminate a restriction on reappointments;".

LEGISLATIVE BILL 660. Placed on Select File as amended.
E & R amendment to LB 660:

1. In the Keyes amendment, line 1, strike the colon; in line 4 strike "provided" and insert "except that"; and in line 7 strike the period.

LEGISLATIVE BILL 948. Placed on Select File as amended.
E & R amendments to LB 948:

1. On page 3, line 21, strike the comma; in line 24 strike the first "and" and insert "or"; in line 25 strike "hereunder"; in line 26 strike "they maintain such" and insert "it maintains"; and in line 27 insert "pursuant to this act" after "effect".

2. On page 5, line 5, strike "the date set forth above" and insert "October 31, 1976"; and in line 24 strike "of" and insert "with".

3. On page 8, line 19, strike "these" and insert "such".

4. On page 9, line 23, strike "an investment" and insert "investments"; and in line 25 reinstate the comma.

5. On page 10, line 2, strike "on same" and insert "thereon".

6. On page 11, line 1, strike "said" and insert "the"; in line 7 strike "expensed" and insert "treated as an expense"; in line 13 insert a period after "condition" and strike the rest of the sentence; and insert a comma at the end of line 19.

7. On page 12, line 26, insert a comma after "corporation".

8. On page 14, line 7, insert a comma after "file".

9. On page 15, line 11, strike "subsections" and insert "subdivisions".

10. On page 17, line 5, strike "their" and insert "its"; in line 11 and 17, strike "guaranty fund"; and in line 19 strike "said" and insert "the".

LEGISLATIVE BILL 787. Placed on Select File.

LEGISLATIVE BILL 826. Placed on Select File as amended.
E & R amendments to LB 826:

1. In the Rumery amendments, page 1, line 10, strike "and" and insert "or" and insert "available" after "made"; and in line 15 strike "fund" and insert "~~fund~~ funds created by section 66-467 and section 1 of this act".

2. In the Rumery amendments, page 2, insert an underscored comma after "1972" in lines 8 and 10.

3. In the Rumery amendments, page 3, line 4, insert "created by section 1 of this act" after "fund".

LEGISLATIVE BILL 841. Placed on Select File.

LEGISLATIVE BILL 911. Placed on Select File as amended.
E & R amendment to LB 911:

1. On page 2, line 16, strike the first comma and show stricken.

LEGISLATIVE BILL 852. Placed on Select File.

LEGISLATIVE BILL 916. Placed on Select File as amended.
E & R amendment to LB 916:

1. On page 2, line 5, strike the comma; and

in line 6 strike "provided that" and insert "~~provided that~~ after".

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Print in Journal

Messrs. DeCamp and Kime asked unanimous consent to print the following amendments to LB 782 in the Journal. No objections. So ordered. (Amendments printed separate from the Journal and on file in the Clerk's office. Req. No. 2702)

GENERAL FILE

LEGISLATIVE BILL 691. Considered.

Mr. Marvel offered the following amendment:

(1) On page 6, section 10, Agency No. 13 -- State Department of Education, Program No. 025 – Departmental Administration, add 5,000 General Funds and increase the appropriate totals accordingly; and after line 18, insert the following:

"There is included in the amount shown $5,000 General Fund which shall be expended for the printing of Nebraska Academy of Sciences publications."

The Marvel amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. F. Lewis offered the following amendment:

(1) On page 8, after line 13, insert the following language:

"There is included in the amount shown $1,100,000 General Fund for transportation, $274,362 General Fund for State Administration, $200,000 General Fund for multi-handicapped, $75,000 General Fund for residential programs, and $11,025,000 General Fund for Special Education Program reimbursement."

The F. Lewis amendment was adopted with 32 ayes, 0 nays and 17 not voting.

Mr. Koch offered the following amendment:

1. On page 10, line 1 strike "496,749" and insert "524,536"; in line 2 strike "1,351,670" and insert "1,323,883"; in line 15 strike "73,043,334" and insert "73,431,121"; and in line 16 strike "2,310,515" and insert "2,282,728".

The Koch amendment was adopted with 25 ayes, 6 nays and 18 not voting.

Mr. F. Lewis offered the following amendment:

Page 25, Strike lines 2 – 14

The F. Lewis amendment lost with 10 ayes, 24 nays and 15 not voting.

Mr. Mahoney offered the following amendment:

On page 29, line 1, strike "1,230,304" and insert "1,424,304"; on line 3, strike "1,662,304" and insert "1,856,304"; on line 11 strike "45,205,188" and insert "45,399,188"; on line 14, strike "141,050,966" and insert "141,244,966"; and after line 3, insert:

"Crippled Children Services shall utilize the same policy as the Medicaid program in the payment of professional fees. This policy shall make payments without regard to the facility in which the service was performed or provider who performed the service.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays and 18 not voting.

Mr. Mahoney moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays and 28 not voting.

The Call showed 45 members present.

The Mahoney amendment was adopted with 25 ayes, 15 nays and 9 not voting.

Mr. Mahoney moved the Call be raised. The motion prevailed.

Mr. Bereuter offered the following amendment:

(1) On page 33, lines 11 and 12, strike "624,060" and insert "594,060".

(2) On page 33, line 21, strike "1,376,251" and insert "1,346,251".

(3) On page 33, line 23, strike "1,378,251" and insert "1,348,251."

The amendment was adopted with 36 ayes, 0 nays and 13 not voting.

MR. SAVAGE PRESIDING

Mr. Bereuter offered the following amendment:

The Standing Committee amendments to LB 691 be amended to delete lines 1 through 5 on page 35 of the amendments.

The amendment was adopted with 31 ayes, 0 nays and 18 not voting.

Mr. Bereuter offered the following amendment:

(1) On page 43, line 12, strike "Services" and insert "Industries".

The amendment was adopted with 31 ayes, 0 nays and 18 not voting.

Mr. Clark offered the following amendment:

LB 691

AMENDMENT TO STANDING COMMITTEE AMENDMENT

(1) On page 52, strike Section 55 and insert:

"Section 55. Agency No. 65 - Department of Administrative Services

(1) Program No. 049 – Departmental Administration

GENERAL FUND	83,704
PROGRAM TOTAL	83,704

(2) Program No. 171 – Supporting Services, Materiel Division

GENERAL FUND	222,636
REVOLVING FUND	2,479,223
PROGRAM TOTAL	2,701,859

(3) Program No. 172 – Supporting Services, Central Data Processing

GENERAL FUND	50,000
CASH FUND	4,837,796
PROGRAM TOTAL	4,887,796

(4) Program No. 173 – Communications

GENERAL FUND	30,652
FEDERAL FUND est.	88,000
REVOLVING FUND	64,000
PROGRAM TOTAL	182,652

(5) Program No. 180 – Transportation Services Bureau

REVOLVING FUND	2,212,876
PROGRAM TOTAL	2,212,876

(6) Program No. 509 – Budget Administration

GENERAL FUND	238,707
PROGRAM TOTAL	238,707

(7) Program No. 559 – State Office Building

REVOLVING FUND	1,110,134
PROGRAM TOTAL	1,110,134

(8) Program No. 560 – Central Buildings and Grounds Division

GENERAL FUND	1,323,978
REVOLVING FUND	637,187
PROGRAM TOTAL	1,961,165

(9) Program No. 567 – Fiscal Administration

GENERAL FUND	1,584,717
PROGRAM TOTAL	1,584,717

There is hereby reappropirated the unexpended General Fund balance existing in this program on June 30, 1976, which, together with $764,900 included in the appropriation, is for the implementation of the Nebraska Employee Information System.

For Informaitonal Purposes Only: Total Appropriations to Agency No. 65 and Fund Source

GENERAL FUND	3,534,394
CASH FUND	4,837,796
FEDERAL FUND est.	88,000
REVOLVING FUND	6,503,420
AGENCY TOTAL	14,963,610".

The amendment was adopted with 26 ayes, 3 nays and 20 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Bereuter asked unanimous consent to be excused Tuesday, March, 16, 1976. No objections. So ordered.

STANDING COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 919. Placed on General File as amended. (Standing Committee amendments on file in the Clerk's office and will not be printed.)

(Signed) Calvin F. Carsten, Chairman

COMMUNICATION ON LB 919

March 15, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Vince:

The Revenue Committee has drawn amendments to LB 919 and has advanced it to the Floor.

I suggest that it not be necessary for you to have this mammoth amount of material printed as amendments to LB 919 and put in our Bill Books. LB 919 will not be up for consideration this year but since we do have the amendment, we may be able to use it sometime in the future. I believe we can save the state some money on this as the printing would be completely unnecessary at this point.

I have the assured cooperation of Senator Warner, the introducer, on this matter.

Sincerely,
(Signed) Calvin F. Carsten
Senator, District No. 2

CFC/j

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 887. Advanced to General File.

(Signed) Frank Lewis, Chairman

ANNOUNCEMENT

Mr. Kremer announced an executive session of the Public Works Committee under the North Balcony immediately after adjournment.

ADJOURNMENT

At 4:41 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, March 16, 1976.

Vincent D. Brown
Clerk of the Legislature

FORTY-NINTH DAY—MARCH 16, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 16, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, our loving Father, in these moments of quiet before the feverish activity of this day, give to this Legislature a quiet corner from which to make decisions. Help our turbulent and tossed minds to be in contact with Thee, the author of our being and the source of all truth. Thou hast given us the key to life, but so often we merely try to break down the walls. Without Thy truth our words are empty, and without Thy goals our travels are often aimless. Ultimately our words and deeds are empty without Thy direction. Fill us with mercy, therefore, and may Thy joy be the wellspring from which our decisions are made. We pray in our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Cavanaugh who was absent until 9:20 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-eighth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Rasmussen asked unanimous consent to be excused at 11:00 a.m. today. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 12, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 688.

This bill was signed by me on March 12, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 634A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 634, Eighty-fourth Legislature, Second Session, 1976; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Anderson
Barnett
Burbach
Burrows
Carsten
Cope
DeCamp
Duis
Fitzgerald
George
Goodrich
Hasebroock
Kelly
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Skarda
Swigart
Syas
Wiltse

Voting in the negative, 7:

Bereuter
Clark
Dworak
Marvel
Simpson
Stoney
Stull

Not voting, 7:

Cavanaugh Chambers Dickinson Fowler Johnson
Kennedy Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 869. With Emergency.

A BILL FOR AN ACT relating to funds; to create two new funds and specify the source and use thereof; to provide duties; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson Barnett Bereuter Burbach Burrows
Carsten Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald Fowler
George Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime Koch Kremer
F. Lewis R. Lewis Luedtke Maresh Marsh
Marvel Mills Moylan Murphy Nichol
Rasmussen Rumery Savage Schmit Simpson
Skarda Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 0.

Not voting, 2:

Cavanaugh Mahoney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTION

LEGISLATIVE RESOLUTION 132.

Introduced by Barnett, 26th District.

WHEREAS, many Nebraska communities are desirous of improving and developing business areas; and

WHEREAS, off-street parking and other public facilities and improvements are important aspects of such development; and

WHEREAS, communities are experiencing extreme difficulty in financing such development under the present statutes and constitutional limitations of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature's Urban Affairs Committee study the problems of developing and financing off-street parking districts, downtown improvement districts, and other similar improvements districts in Nebraska communities.
2. That the committee thoroughly study the need for such districts in the communities they would serve and the various alternatives to such development.
3. That the committee make a report of its findings, together with its recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT—Print in Journal

Mrs.Marsh asked unanimous consent to print the following amendment to LB 785 in the Journal. No objections. So ordered.

AMENDMENT TO LB 785

1. On page 2, strike the sentence beginning in line 17 and the sentence beginning in line 24; in line 20 strike "four" and insert "sixteen"; in line 21 strike "two" and insert "six"; in line 22, both places, strike "one" and insert "five" and strike "term" and insert "terms"; and in line 24 insert "The terms of members serving on the effective date of this act shall terminate upon the appointment of the new members." after the period.

SELECT FILE

LEGISLATIVE BILL 920. Mr. F. Lewis asked unanimous consent to withdraw his pending motion found in the Journal on page 1118 for the Forty-eighth Day to indefinitely postpone. No objections. So ordered.

Mr. Koch offered the following amendment:

Strike the Stull Amendment and insert the original language Section III paragraph (2)

Mr. Stull offered the following amendment to the Koch amendment:
Sec 1 line 20, after binding insert ", when the school attended is outside the State of Nebraska"

The Stull amendment was adopted with 28 ayes, 0 nays and 21 not voting.

The Koch amendment, as amended, was adopted with 34 ayes, 0 nays and 15 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 819. E & R amendments found in the Journal on page 1115 for the Forty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 409. Mr. Goodrich renewed his pending motion found in the Journal on page 1119 for the Forty-eighth Day to indefinitely postpone.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

The Goodrich motion to indefinitely postpone prevailed with 27 ayes, 14 nays and 8 not voting.

Mr. Skarda moved the Call be raised. The motion prevailed.

LEGISLATIVE BILL 797. E & R amendments found in the Journal on page 1128 for the Forty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 674A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 687. E & R amendment found in the Journal on page 1128 for the Forty-eighth Day was adopted.

Mr. Clark offered the following amendment:
Put Emergency Clause on 687.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 687A. E & R amendment found in the Journal on page 1128 for the Forty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 716. E & R amendment found in the Journal on page 1128 for the Forty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 660. E & R amendment found in the Journal on page 1128 for the Forty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 948. E & R amendments found in the Journal on page 1128 for the Forty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 787. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 826. E & R amendments found in the Journal on page 1129 for the Forty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 841. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 911. E & R amendment found in the Journal on page 1129 for the Forty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 852. Mr. Kime offered the following amendment:

AMENDMENT TO LB 852

1. On page 2, in lines 13, 18, and 27 after "thereof" insert "actually traveled".

2. On page 3, line 8 after "Thereof" insert "actually traveled".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Dickinson requested a machine vote on advancing LB 852.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 19 ayes, 4 nays and 26 not voting.

Advanced to E & R for Engossment with 26 ayes, 11 nays and 12 not voting.

LEGISLATIVE BILL 916. E & R amendment found in the Journal on page 1129 for the Forty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

ATTORNEY GENERAL'S OPINION

Opinion No. 200
March 15, 1976

Dear Senator R. Lewis:

You have asked for our opinion on an amendment being offered to L.B. 805. The amendment provides:

> "The approval of the particular county board shall be required before any land in such county may be sold to any city outside such county."

By the terms of this amendment no person or individual would be able to sell land to any city outside of such county without the approval of the county board. This is a clear alienation upon the right of persons to transfer title to real estate. Article I, section 25 provides:

> "There shall be no discrimination between citizens of the United States in respect to the acquisition, ownership, possession, enjoyment or descent of property...."

This language was interpreted in State, ex rel. English v. Ruback, 135 Neb. 335, 281 N.W. 607, in which the court stated:

> "The conclusion is that the constitutional guaranties of our Bill of Rights contemplate that every person legally possesses the right of acquiring the absolute and unqualified title to every species of property recognized by law, with all rights incidental thereto, and, in connection with the right of personal liberty, it includes the right to dispose of such property in such innocent manner as he pleases, and to sell it at such price as he can obtain in fair barter. . . ." (135 Neb. at 339)

While the proposed amendment does not provide the county board may deny the right to sell a particular piece of property to a particular buyer, such a right is clearly implied in the statute and in our opinion would be in violation of the constitutional provision above-cited.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smh
cc: Mr. Vincent Brown
Clerk of the Legislature
State Capitol Building

EXPLANATION OF VOTE

Had I been present, I would have voted to indefinitely postpone LB 409.

(Signed) Irving Wiltse

UNANIMOUS CONSENT—Members Excused

Messrs. Skarda and Mahoney asked unanimous consent to be excused this afternoon. No objections. So ordered.

Messrs. Kremer and R. Lewis asked unanimous consent to be excused from 11:00 a.m. until noon. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 764.

(Signed) Donald N. Dworak, Chairman

MOTION—Return LB 819 to Select File

Mr. Keyes renewed his pending motion found in the Journal on page 1099 for the Forty-seventh Day to return LB 819 to Select File for the specific amendment to adopt the Koch amendment on page 1043.

Mr. Mills raised a point of order, that the Keyes amendment is a reconsideration of the Koch amendment.

The Chair overruled the point of order.

The Keyes motion lost with 10 ayes, 21 nays and 18 not voting.

MOTION—Return LB 809 to Select File

Mr. Stoney moved to return LB 809 to Select File for the specific amendment found in the Journal on page 1119 for the Forty-eighth Day.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 809. The Stoney specific amendment found in the Journal on page 1119 for the Forty-eighth Day was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Engrossment.

Mr. Warner asked unanimous consent to bracket LB 809 on E & R until March 25, 1976.

Mr. Duis objected.

Mr. Warner moved to bracket until March 25, 1976.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays and 20 not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Mr. Warner requested a roll call vote.

Voting in the affirmative, 24:

Anderson
Barnett
Burbach
Carsten
DeCamp
Dickinson
Duis
George
Hasebroock
Johnson
Kennedy
Keyes
Kime
Koch
Maresh
Murphy
Rasmussen
Rumery
Schmit
Skarda
Stoney
Stull
Syas
Warner

Voting in the negative, 22:

Burrows
Cavanaugh
Chambers
Cope
Dworak
Fitzgerald
Fowler
Goodrich
Kelly
F. Lewis
R. Lewis
Luedtke
Mahoney
Marsh
Marvel
Mills
Moylan
Nichol
Savage
Simpson
Swigart
Wiltse

Not voting, 3:

Bereuter	Clark	Kremer

The Warner motion to bracket LB 809 until March 25, 1976 lost with 24 ayes, 22 nays and 3 not voting.

Mr. Clark moved the Call be raised. The motion prevailed.

MOTION—Return LB 782 to Select File

Mr. Kime moved to return LB 782 to Select File for the specific amendment referred to in the Journal on page 1130 for the Forty-eighth Day.

Motion pending.

UNANIMOUS CONSENT—Print in Journal

Mr. Rasmussen asked unanimous consent to print the following amendment to LB 779 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 779 – Alternative 3

Strike the existing sections in LB 779.

1. Insert three new sections to read:

"Sec. 1. The State of Nebraska here by assents to the provision of an Act of Congress entitled the Federal Water Projects Recreation Act, approved July 9, 1975, Public Law 89-72, 89th Congress, and to any and all existing amendments thereto, including those found in an Act of Congress entitled the Water Resources Development Act of 1974, approved March 7, 1974, Public Law 93-251, 93rd Congress. The Games and Parks Commission is authorized and empowered to perform, within the limits of available funding, such acts as may be necessary to administer, operate, maintain, and replace land and water areas for recreation or fish and wildlife purposes or for both of such purposes in accordance with the provisions of such act as amended. Said commission is further authorized to execute an agreement, the performance of which shall be contingent upon funds being made available therefor, to bear the separable costs of federal projects allocated to either or both of such purposes in the proportion specified by such act, as amended, and to pay or repay such costs in accordance with the terms of such agreement.

Sec. 2 If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 3 Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

UNANIMOUS CONSENT–Member Excused

Mr. Burrows asked unanimous consent to be excused at 11:45 until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 691. Considered.

Mr. Luedtke offered the following amendment:

AMENDMENT TO STANDING COMMITTEE AMENDMENT TO
LB 691

(1) On page 58, lines 12, 13, 16 and 17, strike "88,644" and insert "98,644".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Clark offered the following amendment:

AMENDMENTS TO THE STANDING COMMITTEE AMENDMENTS
LB 691

On page 72, line 14, strike "and" and on line 16, strike "." and insert "; and"; and after line 16 insert "(49) Nebraska Library Commission: Nebraska Library Commission Cash Fund."

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Barnett renewed his pending amendment (A) found in the Journal on page 1109 for the Forty-seventh Day.

MR. MAHONEY PRESIDING

Mr. Barnett moved for a Call of the House. The motion prevailed with 22 ayes, 4 nays and 23 not voting.

The Call showed 43 members present.

Mr. Barnett requested a roll call vote.

Voting in the affirmative, 21:

Anderson Barnett Carsten Cavanaugh DeCamp
Fitzgerald Fowler Hasebroock Kelly Keyes
F. Lewis Luedtke Mahoney Maresh Mills
Moylan Rumery Simpson Swigart Syas
Wiltse

Voting in the negative, 21:

Bereuter
Burbach
Clark
Cope
Dickinson
Dworak
George
Goodrich
Johnson
Kennedy
Kime
Marsh
Marvel
Murphy
Nichol
Savage
Schmit
Skarda
Stoney
Stull
Warner

Not voting, 7:

Burrows
Chambers
Duis
Koch
Kremer
R. Lewis
Rasmussen

The Barnett amendment (A) lost with 21 ayes, 21 nays and 7 not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed.

VISITORS

The President introduced 66 fourth grade students and teacher from District 66, Omaha; 26 eighth grade students and sponsor from Loomis, Nebraska; 125 junior students and sponsors from Central Hi, Omaha; 39 seniors and teacher from Red Cloud, Nebraska; and 33 fourth grade students and teacher from Bellevue, Nebraska.

RECESS

At 11:58 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Savage presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Mahoney, Rasmussen, and Skarda who were excused.

GENERAL FILE

LEGISLATIVE BILL 691. Considered.

Mr. Barnett renewed his pending amendment (B) found in the Journal on page 1109 for the Forty-seventh Day.

Mr. Barnett asked unanimous consent to add the following amendment to his pending amendment (B).

(1) Add the following language "provided that no increase in yearly salary shall exceed $1,200."

Mrs. Marsh objected.

Mr. Barnett moved the amendment be added to his (B) amendment.

PRESIDENT WHELAN PRESIDING

The Barnett addition to amendment (B) was adopted with 25 ayes, 3 nays and 21 not voting.

The Barnett amendment (B) was adopted, as amended, with 27 ayes, 14 nays and 8 not voting.

Mr. Barnett renewed his pending amendment (C) found in the Journal on page 1109 for the Forty-seventh Day.

The amendment was adopted with 29 ayes, 2 nays and 18 not voting.

Mr. Barnett offered the following amendment:

LB 691

AMENDMENT TO STANDING COMMITTEE AMENDMENT

(1) On page 2, line 8, strike "1,385,897" and insert "1,402,697"; and after line 8, insert "FEDERAL FUND est. 151,200"; and on line 9, strike "1,385,897" and insert "1,553,897"; and after line 9, insert:

"There is included in the amount shown 16,800 General Fund and 151,200 Federal Fund to merge those county probation officer positions outside of the Statewide Probation System into the Statewide Probation System.";

and on line 12, strike "1,442,647" and insert "1,459,447"; and on line 13, strike "10,000" and insert "161,200"; and on line 14, strike "1,452,647" and insert "1,620,647".

The amendment lost with 11 ayes, 23 nays and 15 not voting.

Mr. Koch offered the following amendment:

LB 691

AMENDMENT TO STANDING COMMITTEE AMENDMENT

(1) On page 6, line 26, strike "56,320,562" and insert "1,320,562".

(2) On page 7, line 1, strike "66,951,092: and insert "11,951,092"; and strike lines 2 thru 7.

(3) On page 10, line 15, strike "73,403,334" and insert "18,403,334"; and on line 19, strike "115,548,827" and insert "60,548,827".

Mr. DeCamp offered the following amendment to the Koch amendment:
On P. 7, line 5, strike 10,000,000 insert 55,000,000
P. 7, line 3, strike "45,000,000"

The Chair ruled the amendment out of order.

Mr. Carsten moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 12 nays and 11 not voting.

Mr. Bereuter requested a record vote on the Koch amendment.

Voting in the affirmative, 12:

Burrows Chambers Clark Dickinson Dworak
Fitzgerald Fowler Johnson Kelly Koch
Maresh Warner

Voting in the negative, 25:

Anderson Barnett Bereuter Carsten Duis
George Goodrich Kennedy Keyes Kime
F. Lewis R. Lewis Luedtke Marsh Marvel
Mills Moylan Nichol Rumery Savage
Schmit Stoney Stull Swigart Syas

Not voting, 12:

Burbach Cavanaugh Cope DeCamp Hasebroock
Kremer Mahoney Murphy Rasmussen Simpson
Skarda Wiltse

The Koch amendment lost with 12 ayes, 25 nays and 12 not voting.

MESSAGE FROM THE GOVERNOR

March 16, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 25, 642, 722, 805, 825, 833, 903, 996, and 1004.

These bills were signed by me on March 15, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

GENERAL FILE

LEGISLATIVE BILL 691. Considered.

Mr. Bereuter offered the following amendment:

AMENDMENTS TO STANDING COMMITTEE AMENDMENT

(1) On page 12, line 14, strike "4,912,090" and insert "5,312,090"; and on line 15, strike "775,700" and insert "375,700".

(2) On page 13, line 22, strike "25,398,090" and insert "25,798,090"; and on line 23, strike "775,700" and insert "375,700".

Mr. F. Lewis offered the following amendment to the Bereuter amendment:

Add new sections to Bereuter amendment. 3) No funds appropriated in this section shall be used for any other purpose than for administration of the Dept. of Revenue

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 17 ayes, 3 nays and 29 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

The F. Lewis amendment was adopted with 26 ayes, 10 nays and 13 not voting.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays and 13 not voting.

The Bereuter amendment was adopted, as amended, with 29 ayes, 1 nay and 19 not voting.

Mr. Stull offered the following amendment:

AMENDMENT TO STANDING COMMITTEE AMENDMENT
LB 691

(1) On page 14, line 25, strike "286,227" and insert "331,227"; on line 27, strike "302,009" and insert "347,009".

(2) On page 17, line 14, strike "2,188,784" and insert "2,233,784"; on line 17, strike "4,574,949" and insert "4,619,949".

The amendment was adopted with 25 ayes, 11 nays and 13 not voting.

MESSAGE FROM THE GOVERNOR

March 16, 1967 (sic)

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am hereby returning LB 652 without my signature and with my objections.

LB 652 would remove the Director of Public Institutions from the Nebraska Commission on Alcoholism and replace him with the Director of the Division on Alcoholism within the Department of Public Institutions.

To give statutory authority and power to a subordinate of an agency director which the agency director himself does not have is in my estimation poor legislative policy. Efforts should be made to streamline the operation of the Department of Institutions by strengthening the role of the Director rather than weakening it.

It would appear that LB 652 is simply one step in an effort to separate and make independent the Division on Alcoholism within the Department of Public Institutions. One of the fundamental problems with the Department of Institutions is that legislation exists which diffuses decision and policy-making authority throughout the Department rather than concentrating that authority in the Director who could then properly be held accountable. LB 652 would merely add to this confusion and this we simply can't afford.

I strongly urge that you uphold this veto.

Yours truly,

(Signed) J. James Exon
Governor

JJE:ah

UNANIMOUS CONSENT—Print in Journal

Mr. Mills asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

AMENDMENT TO LB 984

(1) Add a new section 20 to read as follows:

"Sec. 20, Program 968. The Game and Parks Commission is hereby authorized to construct a visitor center at Ash Hollow State Historical Park with a total project cost not to exceed $211,500. There is hereby appropriated $211,500 from the State Building Fund for the fiscal year ending June 30, 1977 to construct the visitor center."

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 690 in the Journal. No objections. So ordered.

AMENDMENT TO STANDING COMMITTEE AMENDMENT TO LB 690

PURPOSE: Transfer campus Administration and Plant Operation and Maintenance programs now located at Central Administration back to campuses.

(1) On page 11, line 6, strike "10,479,771" and insert "3,884,295"; on line 7, strike "1,872,081" and insert "184,000", on line 8, strike "909,944" and insert "415,676"; on line 9, strike "13,261,796" and insert "4,483,971"; strike lines 10 through 14, on line 22 and 23, strike "34,798,607" and insert "278,990", and strike lines 24 through 26.

(2) On page 12, strike lines 1 through 6; and on line 9, strike "24,701,637" and insert "4,013,687"; on line 10, strike "2,374,735" and insert "393,998"; strike line 11; on line 12, strike "58,795,233" and insert "801,991"; and on line 13, strike "104,664,561" and insert "5,209,676".

(3) On page 12, after line 15, insert a new program as follows:

"(1) Program No. 700 – Stores and Services

Revolving Fund	19,380,129
Program Total	19,380,129",

Strike lines 16 through 22 and insert a new subsection:

"(2) Program No. 711 – Lincoln Campus

General Fund	34,662,718
Cash Fund	13,037,799
Federal Fund est.	50,000
Revolving Fund	2,567,501
Program Total	50,318,018".

(4) On page 15, after line 6, insert three new programs as follows:

"(6) Program No. 741 – Federal Letter of Credit

Federal Fund est.	4,394,097
Program Total	4,394,097

(7) Program No. 742 – Federal Grants

Federal Fund est.	3,092,357
Program Total	3,092,357

(8) Program No. 767 – Auxiliary Enterprise

Revolving Fund	17,926,176
Program Total	17,926,176".

On line 9, strike "39,996,729" and insert "51,043,430"; on line 10, strike "12,935,712" and insert "13,814,043"; on line 11, strike "3,370,128" and insert "10,856,582"; on line 12, strike "6,058,993" and insert "43,579,476"; and on line 13, strike "62,361,562" and insert "119,293,531". After line 15, insert five new programs as follows:

"(1) Program 700 – Stores and Services	
Revolving Fund	1,597,716
Program Total	1,597,716
(2) Program 747 – Federal Letter of Credit	
Federal Fund est.	2,200,000
Program Total	2,200,000
(3) Program 748 – Federal Grants	
Federal Fund est.	2,000,000
Program Total	2,000,000
(4) Program 767 – Auxiliary Enterprises	
Revolving Fund	2,739,034
Program Total	2,739,034
(5) Program No. 791 – UNO Campus	
General Fund	12,854,037
Cash Fund	5,915,920
Revolving Fund	1,068,509
Program Total	19,838,466";

and strike lines 16 through 21.

(5) On page 16, line 11, strike "8,347,019" and insert "12,854,037", on line 12, strike "5,599,829" and insert "5,915,920"; after line 12, insert a new line:

"Federal Fund est. 4,200,000";

on line 13, strike "912,509" and insert "5,405,259"; and on line 14, strike "14,859,357" and insert "28,375,216". After line 16, insert two new programs as follows:

"(1) Program No. 700 – Stores and Services	
Revolving Fund	13,541,772
Program Total	13,541,772
(2) Program No. 731 – Medical Center Campus	
General Fund	27,427,646
Cash Fund	15,874,476
Federal Fund est.	1,544,003
Revolving Fund	460,173
Program Total	45,306,298";

and strike lines 17 through 23.

(6) On page 17, after line 1, insert three new programs as follows:

"(3) Program No. 744 – Federal Letter of Credit	
Federal Fund est.	7,018,928
Program Total	7,018,928

(4) Program No. 745 – Federal Grants

Federal Fund est.	87,574
Program Total	87,574

(5) Program No. 767 – Auxiliary Enterprises

Revolving Fund	2,314,147
Program Total	2,314,147";

On line 4, strike "22,293,415" and insert "27,427,646"; on line 5, strike "15,088,161" and insert "15,874,476"; on line 6, strike "1,544,003" and insert "8,650,505"; on line 7, strike "336,083" and insert "16,316,092"; and on line 8, strike "39,261,662" and insert "68,268,719".

(7) Renumber original subsections accordingly.

Mr. Marvel asked unanimous consent to print the following amendments to LB 690 in the Journal. No objections. So ordered.

This amendment is to correct technical and computation errors:

(A) Program 842 at Chadron State College does not add. The fund totals are correct, as is the agency total, but the program total on page 2, line 11 is incorrect.

(B) The new/expanded request for security guards at Chadron State was included in the Committee decision but inadvertantly (sic) omitted in the calculation. There needs to be added $15,708 General Fund in Program 843 at Chadron State.

(C) The calculation for summer school faculty at Kearney State College was not included when the Committee amendment was drafted. Program 845 at Kearney should be increased by $394,898 General Fund to accurately reflect the Committee decision.

(D) The Kearney State "Program Improvement" calculation was double-funded in staff calculations. The calculation can be reduced by $126,709 General Funds, $53,725 from Program 845 and $72,984 from Program 846.

(E) The word "Extension" needs to be added to the title of Program 711 at UN-L.

AMENDMENT TO COMMITTEE AMENDMENT TO LB 690

On page 17, line 13, strike "11,600,000" and insert "13,000,000";

On page 17, line 14, strike "11,600,000" and insert "13,000,000";

On page 17, after line 14, insert:

"Included in the amount shown is $11.6 million to be distributed as state aid according to the provisions of 79-2651 R.R.S. Nebr., 1943, R.S.S., 1975. Recognizing that the technical community college areas are locally governed and financed, but that: (1) the mill levy ceiling imposed by 79-2651 R.R.S. Nebr., 1943, R.S.S., 1975 seriously limits available revenue, and (2) there is a reasonable limit to the increase in tuition that a student can be expected to absorb, $1.4 million shall only be distributed among those technical community college areas meeting both the following conditions: (a) that the area has certified to their respective county boards of equalization the maximum mill levy authorized in 79-2650 R.R.S. Nebr., 1943, R.S.S. 1975 for fiscal 1976-77 and (b) that the area has increased its per hour tuition rates by at least 10% over the rates in effect during fiscal 1975-76. This additional $1.4 million shall be distributed among those areas so qualifying according to the provisions of 79-2651 R.R.S., Nebr. 1943, R.S.S. 1975. It is the express intent of the eighty-fourth Legislature, Second Session that this $1.4 million is being provided in recognition of the mill levy ceiling and reasonableness of tuition increases, and is not provided as a requirement that any technical community college area assess a certain mill levy in order to receive state aid."

On page 17, line 17, strike "11,600,000" and insert "13,000,000";

On page 17, line 18, strike "11,600,000" and insert "13,000,000".

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 792. Indefinitely postponed.
LEGISLATIVE BILL 935. Indefinitely postponed.
LEGISLATIVE BILL 1002. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. George asked unanimous consent to be excused at 6:00 p.m. today. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 133.

Introduced by Koch, 12th District.

WHEREAS, the Nebraska State Library Commission provides many services for the people of Nebraska as well as other agencies of state government; and

WHEREAS, the Commission is conducting experimental programs which may have a significant impact on the services they render as well as the cost of such services; and

WHEREAS, the statutory requirements for distribution of materials provided at no charge by other state agencies to the Commission has posed an increasing burden upon the budgets of some of these agencies; and

WHEREAS, some controversy has developed as of late concerning what other agencies of government might better be able to perform some of the functions of the Commission now being performed by the agency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Committee on Government, Military and Veterans Affairs conduct an interim study of the Nebraska State Library Commission and its function.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 134.

Introduced by Koch, 12th District.

WHEREAS, a child should be appreciated for what he is and what he has the potential to become; and

WHEREAS, the home, school, and community should cooperate to help a child develop positive learning goals and respect for other persons as well as evaluate his strengths and needs and personal relationship, and provide him with realistic and challenging opportunities; and

WHEREAS, the National Association for the Education of Young Children is a group of individuals who attempt to call attention to the need for quality care and education of the young; and

WHEREAS, the Omaha Association is an affiliate of NAEYC whose membership is composed of persons working in areas related to the education of young children or persons concerned with their needs; and

WHEREAS, the National Association for the Education of Young Children has declared 1976 to be the year of the young child.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature of the State of Nebraska recognize 1976 as the year of the young child.

2. That the Legislature designate April 3 through April 6 as special days of recognition for beginning activities in Nebraska to perpetuate the goals of the year of the young child.

3. That the following Senators' names appear as endorsers of this resolution, as well as the name of the introducer:

Anderson, Barnett, Burbach, Burrows, Carsten, Cavanaugh, Chambers, Clark, Cope, Dickinson, Duis, Fitzgerald, George, Goodrich, Hasebroock, Kennedy, Keyes, Kime, Koch-Introducer, Kremer, F. Lewis, R. Lewis, Luedtke, Mahoney, Maresh, Marsh, Marvel, Moylan, Murphy, Rasmussen, Schmit, Simpson, Stoney, Stull, Swigart, Syas, Warner, Wiltse.

Laid over.

LEGISLATIVE RESOLUTION 135.

Introduced by Koch, 12th District.

WHEREAS, citizens of Nebraska have a broad variety of investment opportunities to choose from in the management of their incomes; and

WHEREAS, some alternative investment schemes are of a fraudulent nature or may provide the Nebraska investor with a result which is different than the one he was led to expect; and

WHEREAS, additional protective measures should be available to Nebraska investors, in addition to those now in use, to minimize the possibility of the offer and sale of fraudulent investment opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE SECOND SESSION:

1. That the Legislature's committee on Banking, Commerce and Insurance conduct an interim study to determine the need for and form of additional protective measures which Nebraska investors may rely on.
2. That such study have as its primary focus those measures which might best be implemented by leading institutions within the state.
3. That the committee make a report of its findings together with its recommendations for possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 136.

Introduced by Burrows, 30th District.

WHEREAS, regionally based veterinary school in Nebraska could be of great value to those engaged in veterinary studies; and

WHEREAS, much progress has been made during the past year towards the establishment of a regional veterinary school.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature express its continued wish that the regional veterinary school for the states of Nebraska, Montana, South Dakota, North Dakota, and Wyoming be established.
2. That the Legislature express its interest in extending whatever cooperation may be required to bring about this result.
3. That the Clerk of the Legislature forward a copy of this resolution to

Governor Exon, and to Warren C. Wood and Governor Ed Herschler of Wyoming, Federal and State Co-chairmen for the Old West Regional Commission.

Laid over.

UNANIMOUS CONSENT–Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 690 in the Journal. No objections. So ordered.

Amendment to Standing Committee Amendment to LB 690

PURPOSE: Provide $88,643 of state funding for the office of Minority Affairs--UN-L.

(1) On page 11, line 6, strike "10,479,771" and insert "10,568,414", on line 9, strike "13,261,796" and insert "13,350,439", and after line 9 insert the following:

"It is the intent of the Legislature that if federal funds for the support of special service programs, as identified by the University in the 1976-77 budget request, become available to the Office of Minority Affairs on the UN-L campus, such funds shall offset General Funds. These remaining General Funds shall lapse on June 30, 1977.".

(2) On page 12, line 9, strike "24,701,637" and insert "24,790,280", and on line 13, strike "104,664,561" and insert "104,753,204".

GENERAL FILE

LEGISLATIVE BILL 691. Considered.

Mr. Barnett offered the following amendment:

AMENDMENT TO STANDING COMMITTEE AMENDMENT LB 691

(1) On page 20, line 13 insert:

"There is included in the amount shown $31,607 Cash Fund and $32,369 Federal Fund for the Gas Pipeline Safety function. Such funds shall only be expended by contracting with the Public Service Commission, who shall carry out the provisions of the Gas Pipeline Safety Act. Personnel currently providing gas pipeline safety in the State Fire Marshal's office shall be transferred to the Public Service Commission and appropriate contracts shall be renegotiated."

The amendment lost with 13 ayes, 18 nays and 18 not voting.

Mr. Keyes offered the following amendment:

On Page 31, Line 17 change $535,245 to $585,245 and
Line 18 change $535,245 to $585,245 and on
Line 21 Change $535,245 to $585,245 and on
Line 23 change $629,855 to $679,855.

This appropriation of $50,000 is to be used for the appraisal of groundwater resources for consumption by urban, rural, and irrigation purposes only. This appraisal shall be from Fremont on the Platte and Arlington on the Elkhorn to the mouth of the Platte on the Missouri River.

MR. F. LEWIS PRESIDING

Mr. Keyes requested a record vote.

Voting in the affirmative, 11:

Bereuter Burbach Cavanaugh Dickinson Fitzgerald
George Goodrich Kelly Keyes Koch
Maresh

Voting in the negative, 15:

Anderson Clark Cope Hasebroock Kennedy
Kime Kremer Marsh Mills Rumery
Stoney Swigart Syas Warner Wiltse

Not voting, 23:

Barnett Burrows Carsten Chambers DeCamp
Duis Dworak Fowler Johnson F. Lewis
R. Lewis Luedtke Mahoney Marvel Moylan
Murphy Nichol Rasmussen Savage Schmit
Simpson Skarda Stull

The Keyes amendment lost with 11 ayes, 15 nays and 23 not voting.

Mr. Marvel offered the following amendment:

AMENDMENT TO LB 691

(1) Amend section 55 of LB 691 to read as follows:

"Section 55. Agency No. 65 - Department of Administrative Services

(1) Program No. 049 – Departmental Administration

GENERAL FUND	83,704
PROGRAM TOTAL	83,704

(2) Program No. 171 – Supporting Services, Materiel Division

GENERAL FUND	222,636
REVOLVING FUND	2,479,223
PROGRAM TOTAL	2,701,859

(3) Program No. 172 – Supporting Services, Central Data Processing

GENERAL FUND	50,000
CASH FUND	4,837,796
PROGRAM TOTAL	4,887,796

(4) Program No. 173 – Communications

GENERAL FUND	30,652
FEDERAL FUND est.	88,000
REVOLVING FUND	64,000
PROGRAM TOTAL	182,652

(5) Program No. 180 – Transportation Services Bureau

REVOLVING FUND	2,212,876
PROGRAM TOTAL	2,212,876

(6) Program No. 191 – Law Enforcement – Indian Affairs

GENERAL FUND	72,717
PROGRAM TOTAL	72,717

There is appropriated to the Department the equivalent of 30 mills on assessed land value for distribution to qualifying counties. The Department shall distribute the funds to qualifying counties and receive from such counties any reports of expenditures of such funds.

(7) Program No. 509 – Budget Administration

GENERAL FUND	238,707
PROGRAM TOTAL	238,707

(8) Program No. 559 – State Office Building

REVOLVING FUND	1,110,134
PROGRAM TOTAL	1,110,134

(9) Program No. 560 – Central Buildings and Grounds Division

GENERAL FUND	1,323,978
REVOLVING FUND	637,187
PROGRAM TOTAL	1,961,165

(10) Program No. 567 – Fiscal Administration

GENERAL FUND	1,584,717
PROGRAM TOTAL	1,584,717

There is hereby reappropirated the unexpended General Fund balance existing in this program on June 30, 1976, which, together with $764,900 included in the appropriation, is for the implementation of the Nebraska Employee Information System.

For Informaitonal Purposes Only: Total Appropriations to Agency No. 65 and Fund Source

GENERAL FUND	3,607,247
CASH FUND	4,837,796
FEDERAL FUND est.	88,000
REVOLVING FUND	6,503,420
AGENCY TOTAL	15,036,463".

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

MR. SIMPSON PRESIDING

Mr. F. Lewis offered the following amendment:

AMENDMENT TO LB 691, AS AMENDED

1. On page 51 of the white copy of LB 691, lines 11 and 12 strike "3,741,183" and insert "3,745,983"; line 14, strike "1,775,084" and insert "1,805,744"; line 17, strike "2,095,543" and insert "2,126,203"; line 20, strike "4,513,428" and insert "4,546,788"; line 22, strike "4,604,996" and insert "4,638,356"; after line 22 insert "The superintendent and each subordinate officer of the Nebraska State Patrol, who in the performance of such officer's duties is required to wear clothing other than the uniform provided by the Nebraska State Patrol, shall receive a three hundred dollar clothing expense allowance each year. In addition to the salary and any clothing expense allowance that may be provided, each officer of the State Patrol shall receive a one hundred twenty dollar cleaning allowance each year.".

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay and 23 not voting.

The F. Lewis amendment was adopted with 26 ayes, 0 nays and 23 not voting.

MR. F. LEWIS PRESIDING

Mr. Cavanaugh offered the following amendment:

To reinstate the original figures on page 29 lines 1, 3, 11 and 14 and strike the language added after line 3

"Crippled Children Services shall utilize the same policy as the Medicaid Program in the payment of professional fees. This policy shall make payments without regard to the facility in which the service was performed or provider who performed the service.

The amendment was adopted with 25 ayes, 8 nays and 16 not voting.

Advanced to E & R for Review with 31 ayes, 2 nays and 16 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Kennedy asked unanimous consent to be excused Wednesday, March 17, 1976. No objections. So ordered.

PRESIDENT WHELAN PRESIDING

GENERAL FILE

LEGISLATIVE BILL 690. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1048 for the Forty-fifth Day were considered.

Standing Committee amendment No. 2 - Sec. 12, page 17 was considered.

Mr. Dickinson asked unanimous consent to be excused at 4:30 p.m. No objections. So ordered.

Mr. F. Lewis offered the following amendment to Standing Committee amendment No. 2 - Sec. 12.

Page 18 on line five strike of the
Strike line 6.
After cent on line 5 insert to each employee.

The amendment lost with 16 ayes, 19 nays and 14 not voting.

Mr. Stull moved the adoption of Standing Committee amendments Sec. 2 page 1, line 3 through Sec. 6 line 1 on page 11.

Mr. Stull moved for a Call of the House. The motion prevailed with 24 ayes, 1 nay and 24 not voting.

Mr. Stull requested a roll call vote.

Voting in the affirmative, 27:

Anderson
Chambers
Goodrich
Luedtke
Savage
Syas
Barnett
Cope
Hasebroock
Mills
Schmit
Wiltse
Bereuter
DeCamp
Johnson
Moylan
Simpson
Burbach
Duis
Keyes
Murphy
Stull
Carsten
Fowler
Kime
Nichol
Swigart

Voting in the negative, 13:

Burrows
Clark
Dworak
George
Kelly

Koch	Kremer	F. Lewis	R. Lewis	Maresh
Marvel	Rumery	Stoney		

Not voting, 9:

Cavanaugh	Dickinson	Fitzgerald	Kennedy	Mahoney
Marsh	Rasmussen	Skarda	Warner	

The amendments were adopted with 27 ayes, 13 nays and 9 not voting.

Standing Committee amendments
Sec. 7, page 11, line 2 through Sec. 10, page 17, line 8 were considered.

ADJOURNMENT

At 6:11 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, March 17, 1976.

Vincent D. Brown
Clerk of the Legislature

FIFTIETH DAY—MARCH 17, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 17, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, give us the ability to be patient with people and with issues. For if we don't understand people, with their variety of inconsistencies, how can we think clearly of laws which will be helpful to all? May we have the ability to bridle our emotions when dealing with people who appear to be prejudiced, unjust and annoying. Help us to be objective and realize that the faults we see in others are usually mirrors of our own inadequacies. So we pray for strength to be honest with ourselves, with others and with Thee. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kennedy and Rasmussen who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 761. Replaced on Select File as amended.
E & R amendments to LB 761:

1. Because of the Koch amendments, strike E & R amendments 1 and 2 and the E & R amendment to page 7, line 19.
2. Because of the passage of LB 903, strike original section 8 and renumber subsequent sections accordingly.

3. Strike E & R 10, 14, and 15.

4. On page 20, line 20, as amended, strike "15 and 16" and insert "14 and 15".

5. On page 16, strike line 20 and insert "members shall be parents of handicapped children; and one".

6. On page 21, line 8, insert "and" after the second comma; and strike beginning with "and" in line 9 through the second comma in line 12.

7. In the title line 4, insert "and" after the second comma; and strike lines 6 to 9 and insert "Supplement, 1974,".

LEGISLATIVE BILL 920. Replaced on Select File as amended.
E & R amendment to LB 920:

1. In the Stull amendment adopted 3/16, strike the comma.

LEGISLATIVE BILL 911. Replaced on Select File as amended.
E & R amendment to LB 911:

1. In E & R 1, insert "line 4 and" after the first comma.

LEGISLATIVE BILL 852. Replaced on Select File as amended.
E & R amendment to LB 852:

1. In the title, line 4, insert "to clarify provisions;" after the semicolon.

LEGISLATIVE BILL 809. Replaced on Select File as amended.
E & R amendments to LB 809:

1. Because of the Stoney amendments adopted 3/16, strike the Stoney amendment adopted 3/8.

2. On page 1, line 5, strike "subsections" and insert "subdivisions"; in line 13 insert a comma after "employees" and strike "physician" and insert "physicians"; and in line 22 strike "such" and after "association" insert "authorized by section 1 or 2 of this act".

3. On page 2, lines 9 and 15, strike "created" and insert "incorporated"; in line 9 strike "provided" and insert "if"; in line 10 insert "by" after "or"; and in line 26 strike "company" and insert "corporation".

4. In the Stoney amendments, page 1, line 1, strike "the period" and insert "located"; in line 2 insert a semicolon before and an underscored comma after "Provided"; in line 4 strike the semicolon and insert a comma; in lines 5 and 6 strike "by any mutual insurance association"; in

line 11 insert "of" after "insuring"; in line 16 insert "the" after "and"; in lines 13 to 19 redesignate subdivisions (a) to (b) as subdivisions (1) to (4); in line 25 insert "Sec. 13." before "(1)" and strike "mutual insurance" and the comma; and in line 26 strike the first comma.

5. On page 3, line 2, insert "such" after "each"; and in lines 2 and 3 strike "as prescribed above".
6. On page 4, line 19, strike the comma.
7. On page 5, insert a comma after "and" in line 21 and "associations" in line 22.
8. On page 6, line 1, insert a comma after "fee".
9. In the Stoney amendments, page 2, line 1, strike ", in an" and insert "in the"; in line 10 strike "year end" and insert "end of the year"; in line 12 strike "mutual insurance" and "said" and insert "the"; in line 14 strike "act" and insert "section"; in line 15 strike "said mutual insurance" and insert "the"; in line 17 strike the comma and strike "10 days" and insert "ten days' "; in line 18 strike "for a" and insert "of a rescission"; in line 20 insert ", article 23, Reissue Revised Statutes of Nebraska, 1943" after "44"; in line 22 strike "14." and insert "15." and strike the first "the" and insert a comma after "act".
10. In the Stoney amendment 5, strike the second period.
11. On page 6, lines 21 and 22, strike "insurance and corporations" and insert "corporations and insurance".
12. Renumber original section 16 as section 18 and strike the renumbering of original section 17.
13. In the title, line 2, insert "and Physicians" after "Hospital".

(Signed) Donald N. Dworak, Chairman

EXPLANATION OF VOTE (Correction)

Mr. Luedtke requested his explanation of vote on page 1125 to "LB 733" be corrected to read "LB 833".

(Signed) Roland A. Luedtke

UNANIMOUS CONSENT–Print in Journal

Mr. Anderson asked unanimous consent to print the following amendment to LB 956 in the Journal. No objections. So ordered.

AMENDMENT TO LB 956

1. On page 2, lines 7 and 8 strike "without the express written approval of both" and show as stricken and insert "except"; in line 9 after "data" insert ". Those agencies, including the Department of Administrative Services, primarily responsible for the collection and maintenance of data which in its original form is defined by law to be a public record shall be solely responsible to release such data maintained in computer files."; strike lines 10 through 13; and in line 19 after "photographs," insert "microfilms,".

2. On page 3, line 16 after "record" insert "or data"; and in line 18 after "files" insert "and shall be made available to the public by the agency responsible for collecting and maintaining the record in its original form in either original or computer printout form as provided by sections 84-712 to 83-712.03".

Mr. Kelly asked unanimous consent to print the following amendment to LB 790 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 790

1. Insert a new section to read as follows:

"Sec. 5. That section 19-613, Revised Statutes Supplement, 1975, be amended to read as follows:

19-613. Members of the council shall be residents and qualified electors of the city. Except as provided in section 70-624.04, they shall not hold any other public office ~~or employement~~ except that of notary public, member of the state militia, or volunteer fireman, and shall not be interested in the profits or emoluments of any contract, job, work or service for the city. Except as provided in section 70-624,04, any such contract in which any member is or may become interested may be declared void by the council. Any councilman who shall cease to possess any of the qualifications herein required, or who shall have been convicted of a crime while in office, shall forthwith forfeit his office. The council shall be the judge of the election and qualifications of its members, subject to review by the courts.".

2. On page 4, line 17 after "1943," insert "and section 19-613, Revised Statutes Supplement, 1975,".

3. Renumber original section 5 as section 6.

Mr. Kelly asked unanimous consent to print the following amendment to LB 774 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 774

1. Insert a new section to read as follows:

"Sec. 3. That section 19-613, Revised Statutes Supplement, 1975, be amended to read as follows:

19-613. Members of the council shall be residents and qualified electors of the city. Except as provided in section 70-624.04, they shall not hold any other public office ~~or employment~~ except that of notary public, member of the state militia, or volunteer fireman, and shall not be interested in the profits or emoluments of any contract, job, work or service for the city. Except as provided in section 70-624.04, any such contract in which any member is or may become interested may be declared void by the council. Any councilman who shall cease to possess any of the qualifications herein required, or who shall have been convicted of a crime while in office, shall forthwith forfeit his office. The council shall be the judge of the election and qualifications of its members, subject to review by the courts.".

2. On page 3, line 11 after "1943," insert "and section 19-613, Revised Statutes Supplement, 1975,".

3. Renumber original section 3 as section 4.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 665.

A BILL FOR AN ACT relating to cities of the metropolitan class; to increase the membership of the board of a metropolitan utilities district; to provide for the appointment, qualifications, and term of office; to provide for election of successors; to provide construction; to amend section 14-1003, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Anderson	Barnett	Bereuter	Burrows	Carsten
Clark	Cope	DeCamp	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Kelly
Keyes	Kremer	F. Lewis	R. Lewis	Luedtke

Mahoney
Maresh
Marsh
Mills
Murphy
Rumery
Schmit
Simpson
Skarda
Syas
Warner
Wiltse

Voting in the negative, 11:

Burbach
Chambers
Dickinson
Duis
Johnson
Koch
Moylan
Savage
Stoney
Stull
Swigart

Not voting, 6:

Cavanaugh
Kennedy
Kime
Marvel
Nichol
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 667.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XIII, section 2, of the Constitution of Nebraska, relating to state, county and municipal indebtedness; to provide that counties and municipalities may sell or finance real and personal property as prescribed; to provide that governmental subdivisions may issue revenue bonds to acquire and develop property for commercial or business enterprises; to provide exceptions; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1976, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 2, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 2. Notwithstanding any other provision in the Constitution, the Legislature may authorize any county, incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, lease, sell, or finance real and personal property suitable for use by manufacturing or industrial enterprises or for use by commercial or business enterprises, except real or personal property to be utilized by such commercial or business enterprises primarily for direct sale to the general public, and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any such real or personal property so acquired, owned, developed, sold, financed, or used by any such county, city or village, shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, leasing, selling, and financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to provide that governmental subdivisions may sell or finance real and personal property as prescribed; to provide that governmental subdivisions may issue revenue bonds to acquire and develop property for commercial or business enterprises; and to provide exceptions.
> For
> Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Voting in the affirmative, 34:

Barnett
Bereuter
Burbach
Carsten
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
George
Goodrich
Hasebroock
Johnson
Kelly
Keyes
Koch
F. Lewis
Luedtke
Mahoney
Marsh
Mills
Moylan
Nichol
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Swigart
Syas
Wiltse

Voting in the negative, 11:

Anderson
Burrows
Chambers
Fowler
Kremer
R. Lewis
Maresh
Marvel
Murphy
Stull
Warner

Not voting, 4:

Cavanaugh
Kennedy
Kime
Rasmussen

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 861. Mr. Skarda moved to return LB 861 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Skarda asked unanimous consent to withdraw his motion. No objections. So ordered.

LEGISLATIVE BILL 861.

A BILL FOR AN ACT to amend sections 37-227 and 37-908, Reissue Revised Statutes of Nebraska, 1943, sections 37-211 and 37-215, Revised Statutes Supplement, 1974, and sections 37-101, 37-201, and 37-204, Revised Statutes Supplement, 1975, relating to game and fish; to provide for a habitat stamp as prescribed; to create a fund and provide the source and use thereof; to define terms; to increase hunting, fishing, and trapping permit fees as prescribed; to increase the fee for fur buyers permits; to provide severability; to provide an operative date; to provide penalties; and to repeal the original sections, and also sections 37-217 to 37-225, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson Bereuter Burbach Carsten Cavanaugh
Clark Cope DeCamp Duis Dworak
Fitzgerald Fowler George Goodrich Hasebroock
Johnson Kelly Keyes Kremer F. Lewis
Luedtke Mahoney Maresh Marsh Mills
Moylan Murphy Nichol Rumery Savage
Schmit Simpson Skarda Stoney Stull
Swigart Syas Warner Wiltse

Voting in the negative, 6:

Burrows Dickinson Kime Koch R. Lewis
Marvel

Not voting, 4:

Barnett Chambers Kennedy Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 806. Laid over at the request of Mr. R. Lewis.

MOTION–Return LB 782 to Select File

Mr. Kime renewed his pending motion found in the Journal on page 1144 for the Forty-ninth Day to return LB 782 to Select File for the specific amendment found in the Journal on page 1130 for the Forty-eighth Day.

Mr. Kime asked unanimous consent to incorporate the following amendment in his motion. No objections. So ordered.
I Page 5, line 5: Add: Any power granted by other provisions of law to governing bodies or public officials for the appointment of special deputies, special officers, or special police is of no effect and is hereby repealed, and Repeal original section 84-806.01
II Strike section 10.

1. Page 3, line 1: Strike "or a special deputy".
2. Page 3, line 18, after the word "officers", insert:
"and shall not serve as a peace officer unless paired with one or more regular officers."
3. Strike section 8.

The motion to return to Select File prevailed with 31 ayes, 1 nay and 7 not voting.

SELECT FILE

LEGISLATIVE BILL 782. The Kime - DeCamp specific amendment found in the Journal on page 1130 and the above amendment incorporated therein was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Member Excused

Mr. Wiltse asked unanimous consent to be excused at 10:15 a.m. until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 690. Considered.

Mr. Goodrich moved the adoption of Standing Committee amendments page 11 line 2 through line 8, page 17 (Sec. 7 thorough Sec. 10).

Mr. Dworak offered the following amendment to the Standing Committee amendment:

To strike Section 1 of the Committee Amendments to LB 690 except subsection 2 to subsection 6.

Mr. Bereuter raised a point of order on the Dworak amendment.

The Dworak amendment was ruled out of order.

The Bereuter point of order was sustained by the Chair.

Mr. Kelly requested a division of the Goodrich motion on adoption of Standing Committee amendments Sec. 7, page 11 through Sec. 10, page 17.

Standing Committee amendment – Sec. 7 page 11 and 12 were considered.

MR. SAVAGE PRESIDING

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays and 19 not voting.

Mr. Simpson requested a record vote on the Standing Committee amendment – Sec. 7.

Voting in the affirmative, 30:

Anderson	Barnett	Bereuter	Carsten	Cope
Duis	Fitzgerald	Goodrich	Hasebroock	Johnson
Keyes	Koch	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Mills	Moylan	Murphy
Nichol	Rumery	Savage	Schmit	Simpson
Skarda	Stull	Swigart	Syas	Warner

Voting in the negative, 2:

Burrows	Dworak

Not voting, 17:

Burbach	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Fowler	George	Kelly	Kennedy
Kime	Kremer	Mahoney	Marvel	Rasmussen
Stoney	Wiltse			

Standing Committee amendment – Sec. 7, page 11 and 12 was adopted with 30 ayes, 2 nays and 17 not voting.

Standing Committee amendment – Sec. 8, page 12 through page 15, line 13 was considered.

Mr. Simpson requested a record vote.

PRESIDENT WHELAN PRESIDING

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 23 nays and 6 not voting.

Mr. Duis requested Standing Committee amendment Sec. 8 be divided.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 17 nays and 20 not voting.

Standing Committee amendment – Sec. 8 pending.

ATTORNEY GENERAL'S OPINION

Opinion No. 201
March 16, 1976

Dear Senator Syas:

We have reviewed the proposed amendment to L.B. 691, Section 30(4), page 35, lines 1 through 5 which reads:

> "The expenditure of funds from this program for historical research, restoration, or interpretation at State Historical Parks shall require the concurrence of the Nebraska State Historical Society, unless the Governor shall otherwise direct."

This language is a part of the appropriation for Program No. 549–Parks–Administration and Operation.

You ask what the effect of this language is on the Game and Parks Program No. 549, specifically whether or not this language is appropriate to be incorporated in an appropriations bill.

Several constitutional provisions raise substantial questions with regard to such language in appropriations bills. We have, in earlier opinions, discussed these difficulties. See Opinion of the Attorney General, March 25, 1974, to Governor Exon, printed on page 1313 of the Session Laws 1974. The following provisions of the Constitution relate to this area. Article III, section 14 of the Constitution in part provides:

> ". . . No bill shall contain more than one subject, and the same shall be clearly expressed in the title. And no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. . . ."

And Article III, section 22, which provides in part:

> ". . . Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject."

Under Article III, section 22 it is very questionable whether an appropriations bill may contain language which does not relate to the appropriate purpose of the act. Arguably language in an appropriations bill which is intended to direct or control the method or manner expenditure dicisions may be made is not within the subject of appropriations as required under Article III, section 14 and therefore would be ineffective and unconstitutional.

Even were this not so a very practical difficulty exists. Appropriations are temporary laws. They are effective only for the period of time for which appropriations are made and they lapse at the end of that period of time. Language in appropriations bills which is intended to be effective for a longer period of time will be ineffective. Appropriations bills are not to be made a part of the permanent statutes by the Revisor of Statutes. Thus, the officers required to follow such enactments may not be appraised of their existence. This difficulty was mentioned in Stahmer v. State, 192 Neb. 63, 218 N.W.2d 893 (1974). In Stahmer, the constitutionality of the agricultural exemption statute has been challenged. It was argued that the act was an appropriation of state funds in violation of Article III, section 22 because the appropriation extended beyond the first fiscal quarter after the adjournment of the next legislative session. The court said:

> ". . . It is evident that the directions given are intended to remain in effect through ensuing years but the basic question is whether or not this is an appropriation bill or act. If it is, the act may well be unconstitutional. . . ."
> (Emphasis add.) 192 Neb. at 66.

Here the act is unquestionabl6 an appropriations bill. The language apparently may be intended to continue in effect after the expiration of this appropriation and therefore would be directly in violation of Article III, section 22, and thus ineffective. Even though Article III, section 22 was amended after the Stahmer case, we believe the position expressed by the court is still valid.

The language of the amendment appears to alter existing methods of administrative control. This may not be done in an appropriations bill. Often such language is amendatory in nature without complying with the requirement of Article III, section 14 on amendatory language.

The proposed amendment also violates the provisions of Article III, section 22 since it makes appropriations in that it contains more than one subject. It appropriates money then gives administrative direction which must be included in a separate act.

Furthermore, the Governor has both line item veto power, and normal veto power, Article IV, section 15. If an appropriations bill is used to enact language to restrict administrative action or compel such action as a subterfuge to avoid exercise of the line item or a normal veto, it could be held to violate Article IV, section 15.

Construing all these sections of the Constitution together it is clear that the Constitution was intended to limit appropriations bills to making appropriations. It is our opinion that appropriations bills which contain language not relating to appropriations or intended to be of continuing effect is unconstitutional. The language of the amendment referred to above in our opinion would be ineffective with respect to expenditures by the Games and Parks Commission from Fund No. 549.

Sincerely yours,
(Signed) PAUL L. DOUGLAS
Attorney General

PLD: ss
cc: Mr. Vincent D. Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 660, 674A, 687, 687A, 716, 787, 797, 819, 826, 841, and 916.

Correctly Enrolled

The following bills were correctly enrolled: 634A and 869.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 634A and 869.

UNANIMOUS CONSENT—Print in Journal

Mr. Marvel asked unanimous consent to print the following amendment to LB 691 in the Journal. No objections. So ordered.

SELECT FILE AMENDMENT TO
LB 691

(1) On page 53, after line 6, insert the following:

"Provided that expenditures made for custodial services for the Lincoln State Office Building from Program No. 560 shall be made after a cost-benefit study has been made comparing contractual services with state employed personnel.

The Department of Administrative Services shall develop specifications to insure that custodial work is accomplished at the appropriate level of performance. These specifications shall be submitted to qualified vendors of such services for their proposals. The Department of Administrative Services shall analyze such proposals and make cost-benefit comparisons of the proposals to state employed services and select a system for accomplishing the necessary custodial work. A report of such study shall be made to the Executive Board of the Legislature."

MOTION—Chart in Chamber

Mr. DeCamp moved that the Chairman of the Appropriations Committee, through the staff of the Legislative Fiscal Analyst, provide for the placing of a chart in the legislative chamber of sufficient dimensions to provide the following information:

1. The total amount of the appropriations as recommended by and reported out by the Appropriations Committee;

(2) The portion of these recommended appropriations to be supported by General Fund revenue;

(3) The estimated revenues to be received from the sales and income taxes for the fiscal period covered by these appropriations;

(4) Estimated receipts to the General Fund for this period from sources other than the sales and income taxes;

(5) The amounts of expenditures to be paid from the General Fund during the next fiscal period not included in the recommendations of the Appropriations Committee, i.e. those required by pending and enacted legislation at this session, these amounts to be kept current on a daily basis; and

(6) The estimated impact of the above appropriations recommendations and pending and enacted legislation requiring expenditures on the sales and income tax rates.

Motion pending.

UNANIMOUS CONSENT–Members Excused

Mr. Skarda asked unanimous consent to be excused Friday, March 19, 1976. No objections. So ordered.

Mr. Marvel asked unanimous consent to be excused this afternoon. No objections. So ordered.

Mr. Cavanaugh asked unanimous consent to be excused this afternoon. No objections. So ordered.

UNANIMOUS CONSENT–Print in Journal

Mr. Marvel asked unanimous consent to print the following amendment to LB 690 in the Journal. No objections. So ordered.

AMENDMENT TO COMMITTEE AMENDMENT TO LB 690 (No. 1)

(1) On page 2, line 21, strike "1,139,765" and insert "1,339,765".

(2) On page 3, line 7, strike "873,048" and insert "888,756"; on line 9, strike "1,113,084" and insert "1,128,792"; on line 13, strike "873,048" and insert "888,756"; on line 15, strike "1,113,084" and insert "1,128,792"; and on line 26, strike "3,160,890" and insert "3,176,598".

(3) On page 4, line 3, strike "5,557,189" and insert "5,572,897".

(4) On page 4, line 8, strike "3,371,255" and insert "3,712,428"; on line 11, strike "5,038,479" and insert "5,379,652"; on line 15, strike "3,237,066" and insert "3,631,964"; on line 17, strike "4,438,258" and insert "4,833,156"; on line 19, strike "88,269" and insert "34,544"; on line 21, strike "115,839" and insert "62,114".

(5) On page 5, line 3, strike "1,065,895" and insert "992,911"; on line 6, strike "2,183,659" and insert "2,110,675"; on line 10, strike "768,780" and insert "695,796"; on line 12 strike "1,161,130" and insert "1,088,146".

(6) On page 6, line 11, strike "5,755,953" and insert "6,024,142"; on line 15, strike "9,770,550" and insert "10,038,739".

(7) On page 12, strike lines 16 and 17 and insert:

"(1) Program No. 711 – Instruction, Research, and Extension Support.

GENERAL FILE

LEGISLATIVE BILL 690. Considered.

Standing Committee amendment, Sec. 8 (2) page 12, line 23 thru page 14, line 10 was considered.

Mr. Rumery moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays and 17 not voting.

Voting in the affirmative, 30:

Anderson
Barnett
Bereuter
Carsten
Chambers
Fitzgerald
Fowler
Goodrich
Johnson
Kelly
Keyes
Koch
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Murphy
Nichol
Rumery
Simpson
Skarda
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 11:

Burrows
Cavanaugh
Clark
Cope
Dickinson
Duis
Dworak
George
Kime
Marvel
Stoney

Not voting, 8:

Burbach
DeCamp
Hasebroock
Kennedy
Kremer
Rasmussen
Savage
Schmit

Standing Committee amendment, Sec. 8 (2) was adopted with 30 ayes, 11 nays and 8 not voting.

MESSAGE FROM THE GOVERNOR

March 17, 1976

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am hereby returning Legislative Resolution 115 without taking any action.

In 1974, the people of this state through a constitutional amendment, eliminated the constitutional provision which provided for the sending of legislative resolutions to the Governor for his action. It seems to me that your action in sending this resolution violates the spirit of this constitutional amendment.

This is the first time a legislative resolution has been sent to the Governor since the adoption of the constitutional amendment in 1974.

Since my approval or disapproval of this resolution would have no legal effect whatsoever, I am returning it without taking any action. I would suggest that in the future the Legislature should return to its previous policy of adopting resolutions on its own without sending them to the Governor.

Sincerely,
(Signed) J. James Exon
Governor

JJE:ah

VISITORS

The President introduced Communication Workers of America, Local Union Presidents from Nebraska; 43 senior students, teacher and sponsors from Gibbon, Nebraska.

RECESS

At 11:58 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cavanaugh, Kennedy, Marvel and Rasmussen who were excused; Mr. F. Lewis who was excused until he arrives; Mrs. Marsh who was absent until 2:00 p.m.; and Mr. Stoney who was absent until 2:15 p.m.

GENERAL FILE

LEGISLATIVE BILL 690. Considered.

Standing Committee amendment – Sec. 8 (1), page 12, lines 16 – 22 was considered.

Mr. Simpson requested a record vote.

Voting in the affirmative, 26:

Anderson
Dickinson
Barnett
Duis
Bereuter
Dworak
Chambers
Fowler
Cope
Goodrich

Hasebroock Johnson Koch Luedtke Mahoney
Marsh Mills Moylan Nichol Rumery
Savage Simpson Stull Swigart Warner
Wiltse

Voting in the negative, 8:

Burrows Clark DeCamp George Kelly
Kime R. Lewis Maresh

Not voting, 15:

Burbach Carsten Cavanaugh Fitzgerald Kennedy
Keyes Kremer F. Lewis Marvel Murphy
Rasmussen Schmit Skarda Stoney Syas

The amendment was adopted with 26 ayes, 8 nays and 15 not voting.

Standing Committee amendment – Sec. 8 (3) line 11, page 14 thru line 2, page 15 was considered.

Mr. Simpson requested a record vote.

Voting in the affirmative, 27:

Anderson Bereuter Carsten Cope Duis
Fowler George Goodrich Hasebroock Johnson
Koch Kremer R. Lewis Luedtke Mahoney
Maresh Marsh Mills Moylan Nichol
Rumery Savage Simpson Stull Syas
Warner Wiltse

Voting in the negative, 1:

Clark

Not voting, 21:

Barnett Burbach Burrows Cavanaugh Chambers
DeCamp Dickinson Dworak Fitzgerald Kelly
Kennedy Keyes Kime F. Lewis Marvel
Murphy Rasmussen Schmit Skarda Stoney
Swigart

The Standing Committee amendment was adopted with 27 ayes, 1 nay and 21 not voting.

Standing Committee amendment – Sec. 8 (4) lines 3–13 page 15 was considered.

Mr. Simpson requested a record vote.

Voting in the affirmative, 27:

Barnett Bereuter Carsten Clark Cope
Duis Fitzgerald Fowler Goodrich Hasebroock
Johnson Kime Kremer Luedtke Mahoney
Maresh Marsh Mills Moylan Nichol
Rumery Savage Simpson Stull Swigart
Warner Wiltse

Voting in the negative, 0.

Not voting, 22:

Anderson Burbach Burrows Cavanaugh Chambers
DeCamp Dickinson Dworak George Kelly
Kennedy Keyes Koch F. Lewis R. Lewis
Marvel Murphy Rasmussen Schmit Skarda
Stoney Syas

The Standing Committee amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Standing Committee amendment – Sec. 8 line 14 page 12 thru line 13 page 15 was adopted with 28 ayes, 0 nays and 21 not voting.

Standing Committee amendment – Sec. 9, line 14, page 15 thru line 14, page 16 was considered.

Mr. Simpson requested a record vote.

Voting in the affirmative, 30:

Anderson Barnett Bereuter Carsten Chambers
Cope Dickinson Duis Fowler Goodrich
Johnson Keyes Koch Kremer R. Lewis
Luedtke Mahoney Maresh Marsh Mills
Moylan Nichol Rumery Simpson Stoney
Stull Swigart Syas Warner Wiltse

Voting in the negative, 3:

Clark George Kime

Not voting, 16:

Burbach
Burrows
Cavanaugh
DeCamp
Dworak
Fitzgerald
Hasebroock
Kelly
Kennedy
F. Lewis
Marvel
Murphy
Rasmussen
Savage
Schmit
Skarda

The Standing Committee amendment was adopted with 30 ayes, 3 nays and 16 not voting.

Standing Committee amendment – Sec. 10, line 15, page 16 thru line 8, page 17 was considered.

Mr. Simpson requested a record vote.

Voting in the affirmative, 29:

Anderson
Barnett
Burbach
Carsten
Chambers
Cope
Fowler
George
Goodrich
Hasebroock
Johnson
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Nichol
Rumery
Savage
Simpson
Stoney
Stull
Swigart
Syas
Warner

Voting in the negative, 5:

Bereuter
Burrows
Clark
Dickinson
Dworak

Not voting, 15:

Cavanaugh
DeCamp
Duis
Fitzgerald
Kelly
Kennedy
Keyes
Kime
F. Lewis
Marvel
Murphy
Rasmussen
Schmit
Skarda
Wiltse

The Standing Committee amendment was adopted with 29 ayes, 5 nays and 15 not voting.

Standing Committee amendment – Sec. 11, line 9 thru 18, page 17 was considered.

Mr. Simpson requested a record vote.

Voting in the affirmative, 32:

Barnett
Bereuter
Burrows
Carsten
Chambers
Cope
Dworak
Fitzgerald
Fowler
George

Goodrich Johnson Kelly Keyes Koch
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Mills Nichol Rumery Savage
Simpson Skarda Stoney Stull Swigart
Syas Warner

Voting in the negative, 3:

Clark Dickinson Kime

Not voting, 14:

Anderson Burbach Cavanaugh DeCamp Duis
Hasebroock Kennedy F. Lewis Marvel Moylan
Murphy Rasmussen Schmit Wiltse

The Standing Committee amendment was adopted with 32 ayes, 3 nays and 14 not voting.

Standing Committee amendments No. 1, page 1 thru line 18 page 17 (Sec. 1 thru Sec. 11) were adopted with 27 ayes, 2 nays and 20 not voting.

Mr. Simpson requested a record vote.

Voting in the affirmative, 27:

Anderson Barnett Bereuter Cope Duis
Fitzgerald Goodrich Hasebroock Johnson Keyes
Koch Kremer Luedtke Mahoney Maresh
Marsh Mills Nichol Rumery Savage
Skarda Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 2:

Burrows Clark

Not voting, 20:

Burbach Carsten Cavanaugh Chambers DeCamp
Dickinson Dworak Fowler George Kelly
Kennedy Kime F. Lewis R. Lewis Marvel
Moylan Murphy Rasmussen Schmit Simpson

The Standing Committee amendments were adopted with 27 ayes, 2 nays and 20 not voting.

Mr. Goodrich offered the following amendment to Standing Committee amendment No. 2 - Sec. 12, page 17:

AMENDMENTS TO LB 690

1. On page 18, line 5, insert "each" after "to"; in line 5 strike "employees" and insert "employee" and strike "seven" and insert "six" and insert a period after "cent" and strike the remainder of the sentence and insert "One per cent of the total of classified salaries as of June 30, 1976, shall be distributed to classified employees on the basis of merit as determined by the chief executive officer of each campus and approved by the appropriate governing board, but no classified employee shall receive (1) a merit increase of more than five per cent or (2) a total increase of more than $1,200.

It is the intent of this Legislature to assure that all merit increases are given to deserving employees on a fair and impartial basis and money allocated for merit shall only be used for merit purposes. To assure that this intent is carried out, each agency covered by this act is directed to submit a report to the Legislature by no later than February 1, 1977, detailing by classification the number of employees in each classification, the number of employees given merit increases, the average size of the merit increases, and the total amount spent by classification for merit increases.".

The amendment was adopted with 32 ayes, 0 nays and 17 not voting.

Standing Committee amendment No. 2. pages 17 and 18 was adopted, as amended with 28 ayes, 0 nays and 21 not voting.

Standing Committee amendment No. 3, page 18 was adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Clark moved the adoption of the Marvel amendment found in this day's Journal and the explanation (A) thru (E) found in the Journal on page 1153 for the Forty-ninth Day.

The amendment was adopted with 34 ayes, 0 nays and 15 not voting.

MR. SAVAGE PRESIDING

Mr. Clark moved the adoption of the Marvel amendment found in the Journal on pages 1153 – 1154 to Standing Committee amendment, page 17.

Mr. F. Lewis offered the following amendment to the Marvel amendment:

Amend the Marvel amendments found on page 1153 & 1154 of the Leg. Journal beginning with new language "included in the amount shown" through "in order to receive state aid," by striking the same.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay and 21 not voting.

The F. Lewis amendment was adopted with 29 ayes, 1 nay and 19 not voting.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays and 20 not voting.

The Marvel amendment, as amended, was adopted with 28 ayes, 7 nays and 14 not voting.

Mr. Chambers renewed his pending amendment found in the Journal on page 1157 for the Forty-ninth Day.

The amendment was adopted with 26 ayes, 2 nays and 21 not voting.

SPEAKER BURBACH PRESIDING

UNANIMOUS CONSENT–Print in Journal

Mr. R. Lewis asked unanimous consent to print amendments to LB 806. No objections. So ordered.
(Amendments printed separate from the Journal and on file in the Clerk's office. Req. No. 2703)

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 17, 1976, at 2:15 p.m., were the following bills: 634A and 869.

(Signed) Barbara Jackson, Enrolling Clerk

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 826A. By Rumery, 42nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 826, Eighty-fourth Legislature, Second Session, 1976.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 665, 667, and 861.

(Signed) Donald N. Dworak, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 665, 667, and 861.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 782. Replaced on Select File as amended.
E & R amendments to LB 782:

1. On page 2, line 26, strike "11" and insert "9".
2. On page 3, line 15, strike the comma.
3. In the Chambers amendment 2, line 2, strike "and" and insert an underscored comma; and in line 3 strike the period and insert an underscored comma.
4. Renumber original section 9 as section 8 and original sections 11 to 18 as sections 9 to 16 respectively.
5. On page 5, line 3, strike "11" and insert "9".
6. In the last line of the Chambers amendment I, strike the comma and insert an underscored period.
7. On page 13, insert "reserve force," after the first comma in lines 4, 17, and 21.
8. On page 13, line 25, insert "and also section 84-806.01, Reissue Revised Statutes of Nebraska, 1943," after the second comma.
9. In the title, line 13, insert ", and also section 84-806.01, Reissue Revised Statutes of Nebraska, 1943" after "sections".

LEGISLATIVE BILL 691. Placed on Select File as amended.
E & R amendments to LB 691:

1. Pursuant to the Marvel amendment thereto, on page 6, line 14, strike "516,227" and insert "521,227"; and in line 18, strike "1,131,270" and insert "1,136,270".
2. In line 3 of the Koch amendment to page 10, strike "73,043,334" and insert "73,403,334".
3. On page 10 as amended, line 15, strike "73,431,121" and insert "73,436,121"; and in line 19 strike "115,548,827" and insert "115,553,827".
4. In lieu of the Barnett addition to the Barnett amendment B, on page 80, line 8, insert ", but no increase in yearly salary shall exceed $1,200" after "Regulations".
5. In lieu of the F. Lewis amendment to the Bereuter amendment, on page 13, in line 3, strike "and"; in line 6, strike the period and insert "; and"; and after line 6, insert:

"(c) No funds appropriated for this program shall be used for any purpose other than the administration of the Department of Revenue.".

6. In line 14 of the F. Lewis amendment to page 51, insert "Nebraska" after "the".

(Signed) Donald N Dworak, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Marvel asked unanimous consent to print the following amendments to LB 972 in the Journal. No objections. So ordered.

Marvel Amendment to LB 972 (No. 1)
AMENDMENT TO COMMITTEE AMENDMENT TO LB 972
(KEARNEY STATE CASH FUND)

On page 11, line 19, strike "1,129,953" and insert "1,423,953";

On page 11, line 22, strike "4,164,123" and insert "4,458,123";

On page 11, line 26, strike "3,701,116" and insert "3,995,116";

On page 12, line 11, strike "430,880" and insert "485,750";

On page 12, line 12, strike "1,585,556" and insert "1,640,426";

On page 12, line 15, strike "1,585,556" and insert "1,640,426";

On page 12, line 19, strike "533,471" and insert "548,702";

On page 12, line 21, strike "2,056,939" and insert "2,072,170";

On page 12, line 25, strike "977,103" and insert "992,334";

On page 13, line 18, strike "2,094,304" and insert "2,458,405";

On page 13, line 23, strike "8,513,402" and insert "8,877,503".

Marvel Amendment to LB 972 (No. 2)

AMENDMENT TO LB 972

Add a new section to read:

Section 5. That Laws 1975, LB 610, section 4, be amended to read as follows:

"Sec. 4. Agency No. 47 -- Nebraska Educational Television Commission

(1) Program No. 533 -- Educational Television

GENERAL FUND	2,522,611
CASH FUND	~~12,500~~ 37,500
FEDERAL FUND est.	264,375
PROGRAM TOTAL	~~2,799,486~~ 2,824,486

The unexpended General Fund balance existing on June 30, 1975, is hereby reappropriated in an amount not to exceed $274,000 which amount is in addition to the amount shown. Such funds are appropriated and reappropriated for the purchase of a color television mobile unit and for translator stations to improve television reception, and shall not be expended for any other purpose.

Included in the amount shown is $390,000 for the Nebraska Educational Telecommunications Center bond payment. If the bond payment is less than this amount, any surplus may be used for costs related to the expansion of the air conditioning and fire extinguishing systems and shall not be expended for any other purpose.

The Nebraska Educational Television Commission shall submit with its 1976-77 budget request a report which allocates 1974-75 direct and indirect resource requirements and costs by the following categories: (a) Elementary and secondary instructional television; (b) postsecondary instructional television; (c) out-of-school instructional television; (d) programming for state agencies; (e) informal educational broadcasting; (f) cultural programming; and (g) public affairs. Capital costs chall be excluded, but the report shall allocate the 1974-75 actual expenditures according to these seven categories. The report shall also identify the amount of additional support provided to the ETV network by Nebraskans for Public Television dues and auction proceeds and other sources of private revenue by the amount of support to each of the above categories.

For Informational Purposes Only: Total Appropriations to Agency No. 47 and Fund Source

GENERAL FUND	2,522,611
CASH FUND	~~12,500~~ 37,500
FEDERAL FUND est.	264,375
AGENCY TOTAL	~~2,799,486~~ 2,824,486".

On page 20, line 4, strike "Sec. 5." and show as striken and insert "Sec. 6".

On page 20, line 11, strike "Sec. 6." and show as striken and insert "Sec. 7".

Marvel Amendment to LB 972 (No. 3)

AMENDMENT TO COMMITTEE AMENDMENTS TO LB 972

(1) On page 6, line 1, strike "75,000" and insert "108,000"; on line 3, strike "28,000" and insert "10,000"' on line 5, strike "1,686,765" and insert "1,701,765"; on line 21, strike "396,500" and insert "429,500"; on line 24, strike "1,860,484" and insert "1,842,484"; and on line 26, strike "15,935,760" and insert "15,950,760".

Marvel Amendment to LB 972 (No. 4)

COMMITTEE AMENDMENT TO LB 972

(1) On page 20, line 4, after original, insert:

"Laws 1975, LB 604, section 2 and 18,",

and on line 5, after 22, insert:

"Laws 1975, LB 610, section 8 through 14, Laws 1975, LB 604, section 14, as amended by section 14, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975,".

Marvel Amendment to LB 972 (No. 5)

AMENDMENT TO LB 972

1. Add a new section to read as follows:

"Sec. That section 2, Legislative Bill 606, Eighty-fourth Legislature, First Session, 1975, as amended by LB 6, Eighty-fourth Legislature, First Special Session, 1975, be amended to read as follows:

Sec. 2. Agency No. 03 -- Legislative Council

(1) Program No. 121 - Legislative Session Expenses

GENERAL FUND	~~1,105,573~~
	1,272,405
PROGRAM TOTAL	~~1,105,573~~
	1,272,405

(2) Program No. 122 - Legislative Services

GENERAL FUND	~~1,015,976~~
	826,897
PROGRAM TOTAL	~~1,015,976~~
	826,897

(3) Program No. 123 - Clerk of the Legislature

GENERAL FUND	~~90,469~~
	87,755
PROGRAM TOTAL	~~90,469~~
	87,755

(4) Program No. 501 - Committee on Intergovernmental Cooperation

GENERAL FUND	~~61,310~~
	59,471
PROGRAM TOTAL	~~61,310~~
	59,471

(5) Program No. 504 - Office of Public Counsel (Ombudsman)

GENERAL FUND	~~57,715~~
	55,984
PROGRAM TOTAL	~~57,715~~
	55,984

(6) Program No. 625 - Conflicts of Interest Committee

GENERAL FUND	~~5,293~~
	5,134
PROGRAM TOTAL	~~5,293~~
	5,134

(7) Program No. 638 - Fiscal and Program Analysis

GENERAL FUND	~~385,242~~
	328,685
PROGRAM TOTAL	~~385,242~~
	328,685

For Informational Purposes Only: Total Appropriations to Agency No. 03 and Fund Source

GENERAL FUND	~~2,721,578~~
	2,636,331
AGENCY TOTAL	~~2,721,578~~
	2,636,331

UNANIMOUS CONSENT–Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 204 in the Journal. No objections. So ordered.

AMENDMENT TO LB 204

1. In the amended bill strike sections 1, 2, 5, 6, and 7 and insert the following new sections:

"Section 1. That section 53-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-102. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act; Provided, nothing herein contained shall prevent the possession and transportation of alcoholic liquor for the personal use of the possessor, his family and guest; nor prevent the making of wine, cider or other alcoholic liquor by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, his family and guests; nor prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his profession, or any hospital or other institution caring for the sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquors in the compounding of prescriptions of duly licensed physicians; nor prevent the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; nor prevent persons who are sixteen years old or older from carrying beer from grocery stores when they are accompanied by a person not a minor; nor prevent persons who are sixteen years old or older from handling beer containers and beer in the course of their employment in grocery stores; nor prevent persons who are sixteen years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment as waiters, waitresses, or busboys, by any restaurant, club, hotel, or similar organization.

Sec. 2. That section 53-123.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-123.03. A beer distributor's license shall allow the wholesale purchase, importation and storage of beer and sale of the brand or brands described in such license to licensees in this state except bottle club licensees, in the sales territory prescribed in the license for each brand, and to such persons without the state as may be permitted by law; and shall allow the licensee to do all things incident to the carrying on of the wholesale beer business. The license shall designate the territory within which the licensee may sell the designated product of any brewer as agreed upon by the licensee and the brewer of such products.

Sec. 3. (1) It shall be unlawful for any beer distributor to deliver beer to any retail licensee located outside the geographic territory designated on the beer distributor's license.

(2) If any person shall violate the provisions of subsection (1) of this section such person's license shall be suspended or revoked by the commission in the manner provided by law for revocation or suspension for other violations of the laws of the state.

Sec. 5. That section 53-127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-127. (1) The commission may license the sale of alcoholic liquors at retail in the original package to applicants who reside in any county in which there is no incorporated city or village or in which the county seat is not located in an incorporated city or village; Provided, that the licensed premises be situated in an unincorporated village having a population of twenty-five inhabitants or more.

(2) The commission may license the sale of beer at retail in any county outside the corporate limits of any city or village therein and, as provided in subdivision (5) G. of section 53-124, license the sale of alcoholic liquors at retail for consumption on the premises and off the premises, sales in the original package only.

(3) The commission may license the sale of alcoholic liquors for consumption on the premises as provided in subdivision (5) C. of section 53-124 on lands controlled by airport authorities or the State Board of Agriculture when such land is located on and under county jurisdiction.

This section shall not be construed to limit the commission in the issuance of licenses described in subdivision (5) H. or subdivision (9) of section 53-124.

Sec. 7. That original section 53-102, 53-123.03, 53-127, and 53-149, Reissue Revised Statutes of Nebraska, 1943, and section 53-125, Revised Statutes Supplement, 1975, are repealed.".

2. Renumber sections 3 and 4 as sections 4 and 6 respectively.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 871A. By Appropriations Committee: Clark, 47th District, Vice-chairman; Marsh, 29th District; Stull, 49th District; Johnson, 15th District; Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 871, Eighty-fourth Legislature, Second Session, 1976; to amend section 55, Legislative Bill 691, Eighty-fourth Legislature, Second Session, 1976; and to repeal the original section.

MR. SAVAGE PRESIDING

GENERAL FILE

LEGISLATIVE BILL 690. Considered.

Mr. Dworak offered the following amendment:

On P. 14, line 13 strike 14,941,028 insert 14,021,482 and correct other figures as needed.

P. 14, strike line 18 to 27

P. 15, strike line 1 & 2

PRESIDENT WHELAN PRESIDING

The Dworak amendment lost with 5 ayes, 32 nays and 12 not voting.

EXPLANATION OF VOTE

(LB 690)

I inadvertently pressed green button on Dworak amendment to page 14 line 13. I meant to vote no.

(Signed) Orval Keyes

Mr. Dworak offered the following amendment:

To strike from committee amendment page 15 line 18 $8,347,019 and insert 8,047,019.

The Dworak amendment lost with 8 ayes, 27 nays and 14 not voting.

Mr. Kelly offered the following amendment:

AMENDMENT TO STANDING COMMITTEE AMENDMENT TO LB 690

(1) On page 12, line 18, strike "23,616,017" and insert "22,311,964"; on line 19, strike "12,159,468" and insert "12,138,468"; on line 21, strike "2,353,323" and insert "527,107"; On line 22, strike "38,178,808" and insert "35,027,539", after line 22, insert:

"(2) Program No. 712 - Extension

General Fund	1,304,053
Cash Fund	21,000
Revolving Fund	1,826,216
Program Total	3,151,269

on line 23, strike "(2) Program No. 712" and insert "(3) Program No. 713".

(2) On page 15, line 16, strike ", and"; on line 17, strike "Extension Support"; on line 18, strike "8,347,019" and insert "7,741,632"; on line 20, strike "912,509" and insert "499,025"; on line 21, strike "14,859,357" and insert "13,840,486".

(3) On page 16, after line 8, insert:

"Program 792 - Extension

General Fund	605,387
Revolving Fund	413,484
Program Total	1,018,871"

On line 18, strike "Extension", on line 22, strike "336,083" and insert "39,792"; on line 23, strike "39,261,662" and insert "38,965,371".

(4) On page 17, after line 1, insert:

"Program No. 732 - Extension

Revolving Fund	296,291
Program Total	296,291".

Mr. Kelly moved for a Call of the House. The motion prevailed with 18 ayes, 16 nays and 15 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed.

The Kelly amendment lost with 20 ayes, 21 nays and 8 not voting.

Mr. Warner asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

Mr. Nichol offered the following amendment:

1. On page 17 of LB 690, white copy, after line 18 insert:

"There is hereby appropriated an additional $225,000 from the General Fund for the purpose of renovation and repair of physical facilities of the Western Technical Community College Area.".

If and when money is recovered from litigation the money will be returned to the State of Nebraska.

Mr. Fowler offered the following amendment to the Nichol amendment:

Amend Senator Nichol's amendment to appropriate $2.5 million to Southeast Tech to buy the Elks bldg.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 9 nays and 13 not voting.

The Fowler amendment lost with 13 ayes, 22 nays and 14 not voting.

Mr. Nichol asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Koch offered the following amendment:

1. In the white copy of LB 690, on page 15 after line 6 insert the following:

"The continued funding of the program total for Program No. 716 shall be contingent upon the University of Nebraska at Lincoln Athletic Department entering into contracts to provide for scheduled basketball events between the University of Nebraska at Lincoln men's varsity team and the men's varsity teams of the University of Nebraska at Omaha and Creighton University, respectively, commencing with the 1977-1978 basketball season.".

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays and 21 not voting.

The Koch amendment lost with 14 ayes, 20 nays and 15 not voting.

Advanced to E & R for Review with 27 ayes, 3 nays and 19 not voting.

MOTION—Postage Stamps

Mr. Barnett moved that the Legislature authorize the purchase of $200.00 worth of postage stamps for each Senator for use in the interim at the conclusion of this session.

Motion pending.

UNANIMOUS CONSENT—Member Excused

Mr. Hasebroock asked unanimous consent to be excused tomorrow morning until he arrives. No objections. So ordered.

VISITORS

The President introduced former Senator Don Thompson from McCook, Nebraska.

ADJOURNMENT

At 4:43 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, March 18, 1976.

Vincent D. Brown
Clerk of the Legislature

FIFTY-FIRST DAY—MARCH 18, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 18, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, at the outset of this new day may our decisions, our deeds, and our actions have integrity. Although our motives often become cloudy during the course of a day, may we strive to do the right so they may be transparent and in the right. May we be generous in our judgments of others and as concerned about their views as our own, so we may have objectivity in crucial issues. Guide us that we may face knotty problems with courage. And may our diverse views finally culminate in the best possible program, in the light of our available resources, for all the people in our State. In our Master's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Hasebroock and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1174, line 36, correct spelling of "unquestionably".
The Journal for the Fiftieth Day was approved as corrected.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 202

March 17, 1976

Dear Senator Goodrich:

You have requested our opinion on a proposed amendment to LB 690. The proposed amendment provides for a fund of 1.4 million dollars to aid technical community colleges. It provides that once a technical community college has certified the maximum mill levy authorized by sec. 79-2650 to the county boards of equalization and have increased their per hour tuition rate by at least 10 percent over fiscal year 1975-76, they shall be entitled to share in the 1.4 million dollar fund.

The provisions of this amendment raise two questions. First, is such language in violation of Article III, section 14 or section 22 of the Constitution of the State of Nebraska. Second, is such language in violation of Article VIII, section 1A of the Constitution.

We have in the past responded to questions regarding language contained in appropriations bills which does not deal with appropriations. See, opinion of the Attorney General, March 25, 1974, to Governor Exon, printed on page 1313 of the Legislative Journal, 1974, and opinion of the Attorney General dated March 16, 1976, to Senator Syas. In each of these opinions we have discussed problems which arise when language is inserted in appropriations bills which does not relate to the appropriative purpose, are an attempt to direct or control the method or manner of expenditure decisions, are intended to be of continuing effect, or are amendatory of existing legislation.

While it may be argued that the proposed amendment to LB 690 relating to technical community colleges does relate to an appropriation, it is our opinion that it is not sufficiently related to properly be placed in an appropriation bill. Secondly, it violates the provisions of Article III, sections 14 and 22 which require that bills in general and appropriations bills in particular contain only one subject and no provision on any other subject. In addition, the language of the proposed amendment amends provisions of Chapter 79, article 26, relating to the method of distributing state funds to technical community colleges. Such language fails to amend, repeal or include the sections amended or repealed and therefore violates the Constitution.

A further question is raised by the terms of this amendment with regard to Article VIII, section 1A of the Constitution which provides:

> "The state shall be prohibited from levying a property tax for state purposes."

The amendment requires that in order to share in the fund of 1.4 million dollars, technical community colleges must certify the maximum mill levy to the respective county boards of their area and increase their tuition by at least 10 percent over the prior fiscal year. The effect of the constitutional provision prohibiting a state income tax has been considered in several cases. In State ex rel. Western Nebraska Technical Community College Area v. Tallon, 192 Neb. 201, 219 N.W.2d 454 (1974), the Supreme Court found the original Technical Community College Act to be in violation of this section. At that time the budget of a community college in effect required the imposition of at least a one mill levy in order to secure state funds. The court held that the State Technical Community College Act, viewed as a whole, had a dominant state purpose and stated:

> "We hold that where the State assumes the control and the primary burden of financial support of a statewide system of technical community college areas under the provisions of the Technical Community College Area Act, the property tax levy provided for in section 79-2626, R.S.Supp., 1973, is for a state purpose within the meaning of Article VIII, section 1A, of the Nebraska Constitution."

While the proposed amendment to LB 690 does not require technical community colleges to certify the maximum mill levy it is a strong incentive for such action. Were it to be construed identically to the provisions of the act found invalid in Tallon, supra, it would clearly be invalid. The amendments to the Technical Community College Act since the above decision, does not affect application of that decision. For these reasons it is our opinion that the provisions of the proposed amendment are constitutionally questionable.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smh
cc: Mr. Vincent Brown
Clerk of the Legislature

Opinion No. 203
March 17, 1976

Dear Senator Clark:

You have asked us to review the language on page 11 of the amendments to LB 691 and to determine whether or not they are constitutional. Those provisions you refer to are found on page 11, lines 2 through 21.

They provide that the Public Service Commission shall submit to the Governor and the Executive Board a report identifying policies and procedures in service and rate cases before the Commission. The report is to include certain items such as criteria, factors, or formulas for the determination of components constituting the rate base, the rate of return, and criteria or factors in evaluating a rate determination with relation to the level and adequacy of service provided. In addition, a statement of adequate or reasonable service as defined by the Commission is required.

Recently we have addressed similar issues. See, Opinion of the Attorney General, March 25, 1974, to Governor Exon, printed on page 1313 of the Session Laws, 1974, and Opinion of the Attorney General to Senator George Syas, March 16, 1976. In each of these opinions we have essentially stated that language in appropriation bills which does not relate to the appropriation, amend or alter existing administrative procedures or is intended to continue into effect after the expiration of the appropriation is unconstitutional.

In the case of the particular language here, it is our opinion that it is in effect only directory in nature and would not be compulsory upon the Public Service Commission to submit the requested reports. There is no relationship between the language of the proposed amendments and the appropriation for the operation of the Public Service Commission. Such direction is inappropriate for an appropriation bill and is therefore ineffective in its present proposed form.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 18, 1976 at 8:40 a.m., were the following bills: 665, 667, and 861.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—Print in Journal

Mr. Murphy asked unanimous consent to print the following amendments to LB 948 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 948

1. On page 2, line 15, strike "create" and insert "prescribe the method for forming".

2. On page 3, strike lines 10 and 11 and insert:

"(3) Corporation shall mean a corporation formed pursuant to this act;".

3. On page 4, strike the sentence beginning in line 5 and insert "With the approval of the Department of Banking, any ten or more credit unions may form a corporation under the provisions of this act."; and in line 9 strike "11" and insert "10".

4. Strike original section 7 and renumber original sections 8 to 20 as sections 7 to 19 respectively.

5. On page 5, line 13, strike "nine" and insert "eleven".

6. Strike original section 21 and renumber original section 22 as section 20.

7. In the title, lines 3 and 4, strike "to provide operative dates;".

RESOLUTION

LEGISLATIVE RESOLUTION 137.

Introduced by Clark, 47th District; R. Lewis, 38th District.

WHEREAS, a number of concerns have arisen during the current session regarding the University of Nebraska's Medical Service Plan;

WHEREAS, the policy of the Department of Welfare is to refuse to pay through the Crippled Children's Program for physician services rendered at University Hospital;

WHEREAS, the medical schools in other Big 8 states require the disclosure of all income from professional services; and

WHEREAS, LB 1059 of 1974 requires that all income of University faculty who receive more than $10,000 in income from professional or consulting fees report the total amount of such income to the Director of the Department of Administratives Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION

1. That the Executive Board of the Legislature designate a committee to conduct an interim study on the professional fee policy of the University of Nebraska and the Crippled Children's Program.

2. That the committee make a report of its findings, together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 134. Read and considered.

LR 134 was adopted with 37 ayes, 0 nays and 12 not voting.

LEGISLATIVE RESOLUTION 136. Read and considered.

Mr. Maresh asked unanimous consent to add his name to LR 136. No objections. So ordered.

Mr. Kime asked unanimous consent to add his name to LR 136. No objections. So ordered.

Mr. Warner offered the following amendment:
To amend the Burrows resolution No. 136 as follows:
1. In the resolve No. 1 - strike the word "established" and insert "explored".
2. In resolve No. 2 strike the word "whatever" and add the word "that" following the word "cooperation". Strike the words "this result" and add "the specific information as to cost, long term financial committment, enrollment projections by states, the firmness of participating states financial committment, together with other related information.
3. Insert a new resolve No. 3 "That the Legislature be directly involved in the accummulation of information upon which a future session will need to consider the establishment of a Veterinary College".

Amendment pending.

Mr. Maresh moved to have LR 136 laid over.

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 176. Mr. Goodrich renewed his pending amendment found in the Journal on page 927 for the Forty-first Day.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Kelly offered the following amendment:
To strike "two dollars and eighty cents as of July 1, 1977" from Senator Fowler Amendment adopted 2-12-76

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Fowler offered the following amendment:
To add on line 4 page 3 the word "full-time" so as to read "to provide all full-time state employees with"

The amendment was adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Engrossment with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 806. Mr. Cavanaugh asked unanimous consent to withdraw his pending amendment found in the Journal on page 971 for the Forty-third Day. No objections. So ordered.

Mr. Fowler asked unanimous consent to withdraw his pending amendment found in the Journal on page 1051 for the Forty-fifth Day. No objections. So ordered.

Mr. Fowler asked unanimous consent to withdraw his pending amendment found in the Journal on page 1121 for the Forty-eighth Day. No objections. So ordered.

Mr. Cavanaugh asked unanimous consent to withdraw his pending amendment found in the Journal on page 1056 for the Forty-sixth Day. No objections. So ordered.

Mr. R. Lewis renewed his pending amendments referred to in the Journal on page 1185 for the Fiftieth Day. (Req. No. 2703)

Mr. Cavnaugh offered the following amendment to the R. Lewis amendment:

Amend R. Lewis Amendment to LB 806 on page 51 strike line 13 and 14 and renumber following sections.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

The R. Lewis amendments, as amended, were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 761. E & R amendments found in the Journal on page 1163 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 920. E & R amendment found in the Journal on page 1164 for the Fiftieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 911. E & R amendment found in the Journal on page 1164 for the Fiftieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 852. E & R amendment found in the Journal on page 1164 for the Fiftieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 809. E & R amendments found in the Journal on page 1164 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 782. E & R amendments found in the Journal on page 1186 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 691. E & R amendments found in the Journal on page 1187 for the Fiftieth Day were adopted.

Mr. Mahoney offered the following amendment:

AMENDMENTS TO LB 691

1. Strike lines 22 to 25 on page 2 and reinsert the same on page 29 after line 8 as subsection (7).
2. On page 3, line 1, strike "172,961" and insert "161,579"; strike line 2; and line 3, strike "453,086" and insert "161,579."
3. On page 29, line 11, strike "45,205,188" and insert "45,216,570"; in line 13 strike "81,516,185" and insert "81,796,310"; and in line 14 strike "141,050,966" and insert "141,342,473."

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Marvel asked unanimous consent to be excused at 11:20 a.m. until he returns. No objections. So ordered.

Mr. Carsten offered the following amendment:

AMENDMENTS TO THE BEREUTER
AMENDMENTS TO STANDING COMMITTEE
AMENDMENTS TO LB 691

(1) On page 12, line 14, strike "5,312,090" and insert "4,941,305"; on line 15, strike "375,700" and insert "992,992"; and on line 16, strike "5,687,790" and insert "5,934,297".

(2) On page 13, line 22, strike "25,798,090" and insert "25,427,305"; on line 23 strike "375,700" and insert "992,992"; and on line 25, strike "27,189,050" and insert "27,435,557".

Mr. Luedtke moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 9 nays and 18 not voting.

Mr. Carsten moved for a Call of the House. The motion prevailed with 22 ayes, 11 nays and 16 not voting.

The Call showed 47 members present.

Mr. Bereuter requested a roll call vote on the Carsten amendment.

Voting in the affirmative, 26:

Burbach	Burrows	Carsten	Cope	DeCamp
Dickinson	Dworak	Fitzgerald	Goodrich	Hasebroock
Kennedy	Keyes	Kime	Mahoney	Maresh
Moylan	Nichol	Rumery	Savage	Schmit
Skarda	Stoney	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 19:

Anderson	Barnett	Bereuter	Cavanaugh	Clark
Fowler	George	Johnson	Kelly	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Marsh
Mills	Murphy	Simpson	Stull	

Not voting, 4:

Chambers	Duis	Marvel	Rasmussen

The Carsten amendment was adopted with 26 ayes, 19 nays and 4 not voting.

Mr. Carsten moved the Call be raised. The motion prevailed.

Mr. Mahoney offered the following amendment:
On page 34, line 5, strike $57,327 and insert $82,327.

The amendment was adopted with 25 ayes, 3 nays and 21 not voting.

Mr. Clark offered the following amendment:
Amend 691 by striking Line 2 thru Line 19 page 11

Mr. Bereuter requested a record vote.

Voting in the affirmative, 25:

Barnett	Burbach	Carsten	Clark	Dickinson
Duis	George	Goodrich	Hasebroock	Kelly
Kennedy	Keyes	Kremer	R. Lewis	Mahoney
Mills	Moylan	Nichol	Savage	Skarda
Stoney	Swigart	Syas	Warner	Wiltse

Voting in the negative, 13:

Anderson	Bereuter	Burrows	Chambers	Cope
Dworak	Fowler	Koch	F. Lewis	Luedtke
Maresh	Marsh	Stull		

Not voting, 11:

Cavanaugh	DeCamp	Fitzgerald	Johnson	Kime
Marvel	Murphy	Rasmussen	Rumery	Schmit
Simpson				

The amendment was adopted with 25 ayes, 13 nays and 11 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Duis asked unanimous consent to be excused Friday afternoon, March 19, 1976. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 138.

Introduced by Clark, 47th District.

WHEREAS the subject of drug costs and the issue of drug designation by generic name is being considered in an increasing number of states; and

WHEREAS the issue of therapeutic equivalency is an important issue in determining drug bioequivalency; and

WHEREAS this issue is being discussed by the Department of Health, Education and Welfare at the Federal level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a special legislative study committee be appointed consisting of three members of the Appropriations Committee and three members of the Public Health and Welfare Committee for the purpose of receiving suggestions and input from health care providers and the public regarding

drug product name substitution.

2. That subsequent to such receipt of this information, the study committee prepare a report for presentation to the 85th session of the Nebraska Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 139.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Kelly, 35th District; Mills, 44th District; Warner, 25th District; Wiltse, 1st District; Moylan, 6th District; R. Lewis, 38th District.

WHEREAS, the Eighty-Fourth Legislature of Nebraska, Second Session, recognizes the importance of proper water and related land resources development to the future of the State of Nebraska; and

WHEREAS, this Legislature also recognizes that such proper development may require changes or additions to the statutes of Nebraska; and

WHEREAS, such possible changes may include, but not be limited to, recognition of the interrelationship of underground and surface waters and their conjunctive use, diversion of water from one river basin to other river basins, problems relating to the digging of water wells, and the maintenance of uncontaminated underground water sources, problems created by a "dual system" of surface water rights, implementation of management policy and standards capable of satisfying federal requirements so as to preclude federal intervention into the state's rights in water resources, establishment of a system of preferences for uses of water to assure domestic supply and to assure that municipalities receive adequate supplies of water, recognition of the importance of water to Nebraska's irrigation-supported agricultural economy, and provisions to insure a continued supply of good quality water for Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee be directed to conduct a continued study of Nebraska's law relating to the state's water and related land resources and to locate statutory needs to prevent and to solve problems relating thereto that the Committee finds to exist in Nebraska.
2. That the Public Works Committee be directed to call upon the facilities of the University of Nebraska Institute of Agriculture and Natural Resources and the various agencies of state government which are capable of assisting the Committee in its work.
3. That the Public Works Committee make recommendations and prepare such legislation as it deems necessary and appropriate subsequent to its study of these issues for presentation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 140.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Kelly, 35th District; Mills, 44th District; Warner, 25th District; Wiltse, 1st District; Moylan, 6th District; R. Lewis, 38th District.

WHEREAS, under present statutory provisions in Nebraska, natural gas retail rates for both public and privately-owned distribution systems are set by municipalities; and

WHEREAS, some municipalities in this state believe that the multiple factors and complexities of rate setting work to preclude them from competently performing the rate setting function; and

WHEREAS, some municipal authorities believe that the setting of natural gas rates could be done more effectively by an alternative rate setting method; and

WHEREAS, a review and study of the natural gas retail rate setting procedure in Nebraska should be undertaken.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature of the State of Nebraska establish an interim study committee to study the following specific matters:
    a. The present methods used by Nebraska municipalities in arriving at and setting natural gas rates.
    b. Selected aspects of the Federal Power Commission and its effects on Nebraska's natural gas rates.
    c. The ability of municipalities to engage in the rate making process.
    d. Potential alternate methods of establishing natural gas rates.
2. That at the conclusion of such study, the Committee shall report its findings together with its recommendations for any possible legislative activity to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 690. Placed on Select File as amended.
E & R amendments to LB 690:

1. In the last line of the Marvel amendment, strike the period.
2. In the Goodrich amendment, line 1, strike "5" and insert "4".

(Signed) Donald N. Dworak, Chairman

VISITORS

The President introduced 9 students and teacher from Villa Marie School, Waverly, Nebraska; 26 Senior High students and instructor from Harvard, Nebraska; 9 Senior High students and teacher from Litchfield, Nebraska; 85 seventh grade students and teacher from Schuyler, Nebraska; Mrs. George (Pauline) Syas and sister of Mrs. Syas, Dorothy and her husband, Walter Geiger; Mike and Erin Kelly.

RECESS

At 11:57 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel, Rasmussen, and Schmit who were excused until they arrive.

MOTION–Postage Stamps

Mr. Barnett renewed his pending amendment found in the Journal on page 1195 for the Fiftieth Day.

Mr. Barnett moved to amend his amendment by striking $200.00 and inserting $260.00. The motion prevailed with 22 ayes, 0 nays and 27 not voting.

The Barnett motion, as amended, prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 691. Mr. Clark moved the adoption of the Marvel following amendments:

AMENDMENTS TO STANDING COMMITTEE AMENDMENTS AS
AMENDED LB 691

(1) On page 1, line 11, strike "616,701" and insert "616,717"; on line 13, strike "674,591" and insert "674,607"; on lines 15 and 16, strike "3,526,668" and insert "3,525,851"; on line 18, strike "922,811" and insert "928,415"; on line 20, strike "933,771" and insert "939,375"; on line 23, strike

"5,066,180" and insert "5,070,983"; and on line 25, strike "5,135,030" and insert "5,139,833".

(2) On page 2, on lines 8 and 9, strike "1,385,897" and insert "1,396,594"; on line 12, strike "1,442,647" and insert "1,453,344"; and on line 14, strike "1,452,647" and insert "1,463,344".

(3) On page 4, on lines 12 and 13, strike "244,535" and insert "246,656"; on line 16, strike "470,500" and insert "472,621"; on line 18, strike "476,680" and insert "478,801"; and on line 27, strike "994,005" and insert "999,386".

(4) On page 5, on line 1, strike "994,005" and insert "999,386"; on line 10, strike "1,085,950" and insert "1,091,331"; on line 12, strike "1,228,450" and insert "1,233,831"; on lines 16 and 17, strike "543,295" and insert "554,289"; on lines 19 and 20, strike "56,705" and insert "58,724"; and on lines 23 and 24, strike "600,000" and insert "613,013".

(5) On page 6, line 14, strike "521,227" and insert "545,630"; on line 18, strike "1,136,270" and insert "1,160,673"; on line 21, strike "20,847" and insert "21,067"; on line 23, strike "57,973" and insert "58,193"; and on line 26, strike "56,320,562" and insert "56,322,507".

(6) On page 7, line 1, strike "66,951,092" and insert "66,953,037".

(7) On page 8, line 11, strike "12,674,362" and insert "12,676,346"; on line 13, strike "13,507,085" and insert "13,509,069"; on line 19, strike "387,741" and insert "389,191"; and on line 21, strike "5,119,122" and insert "5,120,572".

(8) On page 9, line 16, strike "355,136" and insert "357,291"; on line 19, strike "631,233" and insert "633,388"; on line 22, strike "66,947" and insert "67,468"; and on line 25, strike "133,071" and insert "133,592".

(9) On page 10, line 1, strike "524,536" and insert "529,159"; on line 2, strike "1,323,833" and insert "1,326,128"; on line 4, strike "16,066,339" and insert "16,073,207"; on lines 7 and 8, strike "46,680" and insert "47,141"; on line 10, strike "599,133" and insert "599,368"; on line 12, strike "644,278" and insert "644,513"; on line 15, strike "73,436,121" and insert "73,473,657"; on line 16, strike "2,282,728" and insert "2,285,434"; on line 19, strike "115,553,827" and insert "115,594,069"; and on line 27, strike "1,081,552" and insert "1,100,196".

(10) On page 11, on line 1, strike "1,081,552" and insert "1,100,196"; on lines 22 and 23, strike "1,092,552" and insert "1,111,196"; and on lines 26 and 27, strike "9,770" and insert "9,898".

(11) On page 12, lines 2 and 3, strike "150,788" and insert "150,867"; on lines 9 and 10, strike "160,558" and insert "160,765"; on line 14, strike "5,312,090" and insert "5,348,429"; on line 16, strike "5,687,790" and insert "5,724,129".

(12) On page 13, line 9, strike "411,000" and insert "415,209"; on line 10, strike "1,015,260" and insert "1,015,964"; on line 11, strike "1,426,260" and insert "1,431,173"; on line 22, strike

"25,798,090" and insert "25,838,638"; on line 24, strike "1,015,260" and insert "1,015,964"; and on line 25, strike "27,189,050" and insert "27,230,302".

(13) On page 14, line 25, strike "331,227" and insert "338,631"; and on line 27, strike "347,009" and insert "354,413".

(14) On page 15, line 10, strike "185,752" and insert "186,291"; on line 11, strike "154,425" and insert "155,087"; on line 12, strike "340,177" and insert "341,378"; on line 15, strike "408,035" and insert "412,446"; on line 16, strike "210,268" and insert "213,170"; on line 18, strike "670,227" and insert "677,540"; on line 20, strike "258,728" and insert "260,433"; on line 23, strike "381,427" and insert "383,132"; and on line 26, strike "581,726" and insert "586,583".

(15) On page 16, line 2, strike "1,230,203" and insert "1,235,060"; on line 5, strike "324,381" and insert "328,116"; on line 6, strike "185,292" and insert "185,502"; on line 8, strike "554,713" and insert "558,658"; on lines 14 and 15, strike "249,444" and insert "250,200"; and on lines 21 and 22, strike "73,720" and insert "74,408".

(16) On page 17, line 14, strike "2,233,784" and insert "2,257,123"; on line 15, strike "1,858,461" and insert "1,862,991"; on line 17, strike "4,619,949" and insert "4,647,818"; on lines 22 and 23, strike "158,006" and insert "160,076"; and on lines 26 and 27, strike "629,290" and insert "639,221".

(17) On page 18, lines 3 and 4, strike "58,405" and insert "61,459"; on lines 7 and 8, strike "845,701" and insert "860,756"; on line 13, strike "696,995" and insert "711,340"; and on line 16, strike "1,771,935" and insert "1,786,280".

(18) On page 19, lines 2 and 3, strike "387,504" and insert "389,257"; on line 5, strike "654,211" and insert "666,072"; on line 6, strike "378,995" and insert "381,316"; on line 8, strike "4,405,719" and insert "4,419,901"; on lines 11 and 12, strike "555,968" and insert "558,126"; on line 15, strike "293,844" and insert "297,973"; on line 16, strike "327,071" and insert "330,626"; on line 18, strike "3,749,788" and insert "3,757,472"; on line 21, strike "2,201,018" and insert "2,233,511"; on line 22, strike 1,364,570" and insert "1,372,199" and on line 24, strike "10,870,914" and insert "10,911,036".

(19) On page 20, line 1, strike "343,091" and insert "348,455"; on line 2, strike "210,882" and insert "212,963"; on line 4, strike "586,342" and insert "593,787"; on lines 6 and 7, strike "100,555" and insert "101,303"; on line 10, strike "343,091" and insert "348,455"; on line 11, strike "311,437" and insert "314,266"; on line 13, strike "686,897" and insert "695,090"; on lines 18 and 19, strike "571,033" and insert "576,559"; and on lines 22 and 23, strike "375,432" and insert "380,999".

(20) On page 21, line 3, strike "946,465" and insert "957,558"; on line 5, strike "1,006,465" and insert "1,017,558"; and on line 27, strike "310,179" and insert "311,787".

(21) On page 22, line 2, strike "323,900" and insert "325,508"; on line 5, strike "310,179" and insert "311,787"; on line 8, strike "19,291,152" and insert "19,292,760"; on line 13, strike

"145,696" and insert "152,138"; on line 15, strike "178,421" and insert "184,863"; on line 18, strike "285,169" and insert "288,562"; on line 19, strike "576,709" and insert "581,638"; on line 20, strike "861,878" and insert "870,200"; on line 21, strike "183,102" and insert "188,031"; and on line 26, strike "1,774,186" and insert "1,789,163".

(22) On page 23, line 1, strike "1,924,186" and insert "1,939,163"; on line 12, strike "2,683,051" and insert "2,707,863"; on line 13, strike "834,434" and insert "839,363"; on line 15, strike "5,122,218" and insert "5,151,959"; on line 19, strike "2,769,862" and insert "2,774,208"; and on line 21. strike "3,137,235" and insert "3,141,581".

(23) On page 24, line 8, strike "16,933,069" and insert "16,948,754"; and on line 11, strike "21,065,368" and insert "21,081,053".

(24) On page 25, line 16, strike "4,642,877" and insert "4,632,388"; and on line 19, strike "11,678,244" and insert "11,667,755".

(25) On page 27, line 24, strike "2,549,897" and insert "2,562,733"; and on line 26, strike "5,668,624" and insert "5,681,460".

(26) On page 28, line 2, strike "31,746,995" and insert "31,769,373"; on line 6, strike "48,248,318" and insert "48,270,696"; on line 11, strike "3,023,749" and insert "3,031,405"; and on line 13, strike "8,154,024" and insert "8,161,680".

(27) On page 29, line 1, strike "1,230,304" and insert "1,230,355"; on line 3, strike "1,662,304" and insert "1,662,355"; on line 6, strike "1,514,935" and insert "1,512,525"; on line 8, strike "1,619,528" and insert "1,617,118"; on line 11, strike "45,205,188" and insert "45,210,485"; and on line 14, strike "141,050,966" and insert "141,056,263".

(28) On page 30, line 24, strike "256,327" and insert "265,771"; and on line 26, strike "406,333" and insert "415,777".

(29) On page 31, line 2, strike "256,327" and insert "265,771"; on line 4, strike "406,333" and insert "415,777"; on lines 9 and 10, strike " 517" and insert "71,746"; on lines 17 and 18, strike "535,245" and insert "541,573"; on line 21, strike "558,338" and insert "564,666"; on line 22, strike "71,517" and insert "71,746"; and on line 23, strike "629,855" and insert "636,412".

(30) On page 32, line 17, strike "219,876" and insert "219,690"; on line 20, strike "720,260" and insert "720,074"; on line 23, strike "1,780,144" and insert "1,779,958"; and on line 26, strike "2,355,528" and insert "2,355,342".

(31) On page 33, lines 11 and 12, strike "594,060" and insert "600,392"; on lines 14 and 15, strike "102,191" and insert "104,131"; on line 21, strike "1,346,251" and insert "1,354,523"; and on line 23, strike "1,348,251" and insert "1,356,523".

(32) On page 34, line 1, strike "123,509" and insert "123,089"; on line 3, strike "159,419" and insert "158,999"; on line 6, strike "4,483,620" and insert "4,526,247"; on line 8, strike "4,620,947" and insert "4,663,574"; on line 15, strike "312,392" and insert "312,770"; on line 16, strike "735,412"

and insert "736,382"; on line 17, strike "1,047,804" and insert "1,049,152"; on line 24, strike "2,070,329" and insert "2,088,096"; and on line 26, strike "2,647,932" and insert "2,665,699".

(33) On page 35, line 8, strike "239,850" and insert "242,991"; on line 10, strike "295,850" and insert "298,991"; on line 13, strike "1,396,436" and insert "1,406,162"; on line 14, strike "202,296" and insert "215,618"; on line 15, strike "1,598,732" and insert "1,621,780"; on line 18, strike "4,076,334" and insert "4,107,346"; on line 19, strike "6,178,440" and insert "6,234,939"; and on line 21, strike "10,370,684" and insert "10,458,195".

(34) On page 37, line 13, strike "497,469" and insert "498,328"; on line 15, strike "502,469" and insert "503,328"; on lines 18 and 19, strike "42,214" and insert "41,844"; on line 22, strike "539,683" and insert "540,172"; and on line 24 strike "544,683" and insert "545,172".

(35) On page 38, line 15, strike "392,546" and insert "393,580"; on line 17, strike "427,152" and insert "428,186"; on line 20, strike "392,546" and insert "393,580"; ; on line 22, strike "427,152" and insert "428,186"; and on lines 26 and 27, strike "49,043" and insert "50,555".

(36) On page 39, lines 3 and 4, strike "49,043" and insert "50,555"; on lines 9 and 10, strike "1,351,672" and insert "1,366,472"; on lines 13 and 14, strike "1,351,672" and insert "1,366,472"; on lines 19 and 20, strike "166,775" and insert "167,800"; and on lines 23 and 24, strike "166,775" and insert "167,800".

(37) On page 40, lines 9 and 10, strike "329,218" and insert "334,484"; on lines 13 and 14, strike "364,218" and insert "369,484"; on lines 19 and 20, strike "22,427" and insert "22,983"; and on lines 23 and 24, strike "22,427" and insert "22,983".

(38) On page 41, lines 1 and 2, strike "171,652" and insert "173,876"; on lines 5 and 6, strike "171,652" and insert "173,876"; on lines 11, 12, 15 and 16, strike "44,937" and insert "45,105"; on line 20, strike "912,063" and insert "915,597"; on line 22, strike "939,963" and insert "943,497"; on line 24, strike "432,749" and insert "429,580"; and on line 26, strike "721,375" and insert "718,206".

(39) On page 42, line 3, strike "881,499" and insert "885,886"; on line 5, strike "911,499" and insert "915,886"; on line 8, strike "4,232,060" and insert "4,258,520"; on line 11, strike "4,518,967" and insert "4,545,427"; on line 14, strike "551,654" and insert "552,044"; on line 17, strike "733,658" and insert "734,048"; on line 20, strike "1,613,070" and insert "1,622,281"; on line 24, strike "1,756,070" and insert "1,765,281"; and on line 27, strike "1,393,218" and insert "1,400,943".

(40) On page 43, line 1, strike "1,393,218" and insert "1,400,943"; on line 4, strike "1,984,043" and insert "1,982,255"; on line 6, strike "2,244,766" and insert "2,242,978"; on line 9, strike "404,005" and insert "405,210"; on line 11, strike "544,020" and insert "545,225"; on lines 13 and 14, strike "1,871,934" and insert "1,872,424"; on line 22, strike "12,404,361"

and insert "12,452,316"; on line 25, strike "1,899,934" and insert "1,900,424"; and on line 26, strike "15,635,470" and insert "15,683,915".

(41) On page 44, line 4, strike "2,294,224" and insert "2,301,844"; on line 6, strike "2,306,724" and insert "2,314,344"; on line 23, strike "2,510,775" and insert "2,518,395"; and on line 25, strike "2,523,275" and insert "2,530,895".

(42) On page 45, lines 3 and 4, strike "59,176" and insert "60,376"; and on lines 13 and 14, strike "73,176" and insert "74,376".

(43) On page 46, lines 26 and 27, strike "196,033" and insert "196,891".

(44) On page 47, line 2, strike "92,392" and insert "91,816"; on line 4, strike "97,392" and insert "96,816"; on line 6, strike "442,159" and insert "443,070"; on line 9, strike "521,653" and insert "522,564"; on line 12, strike "152,348" and insert "151,839"; on line 14, strike "157,348" and insert "156,839"; and on line 25, strike "890,182" and insert "890,866".

(45) On page 48, line 1, strike "1,295,249" and insert "1,295,933"; on lines 6 and 7, strike "159,291" and insert "179,845"; on line 10, strike "103,736" and insert "103,988"; on line 12, strike "703,736" and insert "703,988"; and on line 27, strike "2,043,378" and insert "2,064,184".

(46) On page 49, line 3, strike "2,795,878" and insert "2,816,684"; on lines 8 and 13, strike "126,920" and insert "128,600"; on lines 9 and 14, strike "131,920" and insert "133,600"; on lines 19 and 20, strike "122,783" and insert "123,966"; and on lines 23 and 24, strike "122,783" and insert "123,966".

(47) On page 50, lines 1 and 2, strike "167,438" and insert "167,856"; on lines 5 and 6, strike "167,438" and insert "167,856".

(48) On page 51, lines 2 and 3, strike "60,190" and insert "60,385"; on lines 6 and 7, strike "60,190" and insert "60,385"; on lines 11 and 12, strike "3,745,983" and insert "3,764,444"; on line 14, strike "1,805,744" and insert "1,829,205"; on line 17, strike "2,126,203" and insert "2,149,664"; on line 20, strike "4,546,788" and insert "4,634,142"; on line 22, strike "4,638,356" and insert "4,725,710"; and on line 25, strike"10,098,515" and insert "10,227,791".

(49) On page 52, line 1, strike "10,510,542" and insert "10,639,818".

(50) On page 53, lines 25 and 26, strike "12,243" and insert "12,899".

(51) On page 54, lines 2 and 3, strike "12,243" and insert "12,899"; on line 8, strike "296,431" and insert "299,388"; on line 10, strike "345,318" and insert "348,275"; on line 13, strike "296,431" and insert "299,388"; on line 15, strike "345,318" and insert "348,275"; on lines 20, 21, 24, and 25, strike "95,197" and insert "98,971".

(52) On page 55, line 3, strike "244,123" and insert "244,396"; on line 5, strike "747,056" and insert "747,329"; on line 14, strike "244,123" and insert "244,396"; on line 16,

strike "747,056" and insert "747,329"; on line 20, strike "173,707" and insert "176,516"; and on line 22, strike "333,707" and insert "336,516".

(53) On page 56, line 2, strike "223,707" and insert "226,516"; on line 4, strike "3,183,707" and insert "3,186,516"; on lines 9 and 10, strike "92,862" and insert "94,751"; on line 18, strike "305,543" and insert "307,593"; on line 21, strike "401,232" and insert "403,282"; on line 24, strike "991,713" and insert "994,302"; and on line 27, strike "1,301,213" and insert "1,303,802".

(54) On page 57, line 3, strike "1,390,118" and insert "1,396,646"; on line 6, strike "1,795,307" and insert "1,801,835"; on lines 19, 20, 23, and 24, strike "170,181" and insert "172,093".

(55) On page 58, lines 12, 13, 16, and 17, strike "98,644" and insert "100,333".

(56) On page 59, line 10, strike "50,456" and insert "54,495"; and on line 12, strike "786,135" and insert "790,174".

(57) On page 60, line 17, strike "298,337" and insert "300,626"; on line 19, strike "322,337" and insert "324,626"; on line 22, strike "208,456" and insert "212,495"; on line 23, strike "298,337" and insert "300,626" and on line 25, strike "6,516,472" and insert "6,522,800".

(58) On page 61, line 2, strike "200,768" and insert "203,118"; on line 4, strike "536,548" and insert "538,898"; on line 7, strike "200,768" and insert "203,118"; on line 9, strike "536,548" and insert "538,898"; on lines 13 and 14, strike "352,521" and insert "354,026"; on line 21, strike "352,521" and insert "354,026"; and on line 23, strike "446,521" and insert "448,026".

(59) On page 62, line 10, strike "461,694" and insert "471,445"; on line 12, strike "1,211,122" and insert "1,220,873"; on line 21, strike "5,224,173" and insert "5,233,924"; and on line 23, strike "5,973,601" and insert "5,983,352".

(60) On page 63, line 1, strike "16,160" and insert "16,513"; on line 2, strike "320,290" and insert "324,308"; on line 3, strike "336,450" and insert "340,821"; on line 4, strike "16,160" and insert "16,513"; on line 21, strike "4,835,593" and insert "4,835,946"; on line 22, strike "320,290" and insert "324,308"; on line 23, strike "5,155,883" and insert "5,160,254"; and on line 27, strike "329,604" and insert "333,914".

(61) On page 64, line 2, strike "1,122,794" and insert "1,127,104"; on line 22, strike "329,604" and insert "333,914"; and on line 24, strike "1,122,794" and insert "1,127,104".

(62) On page 65, lines 1 and 2, strike "26,860" and insert "26,958"; on line 24, strike "306,860" and insert "306,958"; and on line 26, strike "551,860" and insert "551,958".

The amendments were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Clark moved the adoption of the Marvel pending amendment found in the Journal on page 1176 for the Fiftieth Day.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. DeCamp offered the following amendment:

LB 691 AMENDMENT TO STANDING COMMITTEE AMENDMENTS

(1) On page 24, line 8, strike "16,933,069" and insert "16,983,338"; and on line 11, strike "21,065,368" and insert "21,115,637"; and on line 26, strike "294,731" and insert "345,000".

(2) On page 28, line 2, strike "31,746,995" and insert "31,797,264"; and on line 6, strike "48,248,318" and insert "48,298,587".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 17 ayes, 4 nays and 28 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed.

The DeCamp amendment was adopted with 27 ayes, 16 nays and 6 not voting.

Mr. Anderson offered the following amendment:

Amend LB 691, Sec 22, Page 25

Lines 4 & 5 strike "providing the manner in which General Funds shall be expended,"

Lines 12-13-14 strike "and the circumstances under which General Funds will be withheld by the Director of Public Institutions."

Mr. Anderson requested a record vote.

Voting in the affirmative, 16:

Anderson	Cavanaugh	Duis	Fowler	Goodrich
Kime	Koch	F. Lewis	Mahoney	Maresh
Mills	Moylan	Nichol	Rumery	Swigart
Syas				

Voting in the negative, 19:

Bereuter	Burrows	Clark	Dworak	Fitzgerald
George	Johnson	Kennedy	Keyes	R. Lewis
Marsh	Murphy	Savage	Simpson	Skarda
Stoney	Stull	Warner	Wiltse	

Not voting, 14:

Barnett	Burbach	Carsten	Chambers	Cope

DeCamp Dickinson Hasebroock Kelly Kremer
Luedtke Marvel Rasmussen Schmit

The Anderson amendment lost with 16 ayes, 19 nays and 14 not voting.

Advanced to E & R for Engrossment with 31 ayes, 0 nays and 18 not voting.

MOTION–Request Return of LB 454 and 454A

Mr. Carsten moved to direct the Clerk to request the Governor to return LB 454 and LB 454A to the Legislature for further consideration.

Mr. Syas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Mr. Carsten moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays and 31 not voting.

Mr. Carsten moved the Call be raised. The motion prevailed.

Mr. F. Lewis requested a record vote on the Carsten motion to return LB 454 and LB 454A.

Voting in the affirmative, 26:

Anderson Carsten Cavanaugh Clark Cope
DeCamp Dickinson Duis Dworak George
Kelly Kennedy Keyes Kime Kremer
R. Lewis Maresh Marvel Moylan Rumery
Skarda Stoney Stull Swigart Syas
Warner

Voting in the negative, 14:

Barnett Bereuter Fitzgerald Fowler Goodrich
Hasebroock Koch F. Lewis Luedtke Marsh
Mills Savage Simpson Wiltse

Not voting, 9:

Burbach Burrows Chambers Johnson Mahoney
Murphy Nichol Rasmussen Schmit

The motion prevailed with 26 ayes, 14 nays and 9 not voting.

MOTION—Request Return of LB 752

Mr. Carsten moved to direct the Clerk to request the Governor to return LB 752 to the Legislature for further consideration.

Mr. F. Lewis requested a record vote.

Voting in the affirmative, 9:

Carsten	Cope	DeCamp	Duis	Dworak
George	Kelly	Skarda	Swigart	

Voting in the negative, 25:

Anderson	Bereuter	Burrows	Fowler	Goodrich
Hasebroock	Johnson	Keyes	Koch	Kremer
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Mills	Nichol	Savage	Simpson
Stoney	Stull	Syas	Warner	Wiltse

Not voting, 15:

Barnett	Burbach	Cavanaugh	Chambers	Clark
Dickinson	Fitzgerald	Kennedy	Kime	R. Lewis
Moylan	Murphy	Rasmussen	Rumery	Schmit

The motion lost with 9 ayes, 25 nays and 15 not voting.

MOTION—Appropriation Bills

Mr. Duis moved all "A" bills and companion regular bills be bracketed on Final Reading until all have reached there.

Mr. Duis moved for a Call of the House. The motion prevailed with 19 ayes, 14 nays and 16 not voting.

Mr. Duis moved the Call be raised. The motion prevailed.

The Duis motion prevailed with 26 ayes, 17 nays and 6 not voting.

COMMUNICATION ON LB 454 and 454A

March 18, 1976

The Honorable J. James Exon
Governor of Nebraska
State Capitol
Lincoln, Nebraska 68509

Dear Governor Exon:

The Legislature has directed that I respectfully request of you the return of LB 454 and LB 454A to the Legislature for further consideration.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

lt

March 18, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

Pursuant to the request of the Legislature of today's date, I am hereby returning Legislative Bills Nos. 454 and 454A.

Sincerely yours,
(Signed) J. James Exon
Governor

JJE:fw

March 18, 1976

The Honorable Jules Burbach
Speaker, Nebraska Legislature
Room 2022, State Capitol
Lincoln, Nebraska 68509

Dear Mr. Speaker:

I am transmitting herewith to the Legislature LB 454 and LB 454A, the same having been returned by the Governor to the Legislature for further consideration. These bills will be placed on final reading pending the further action of the Legislature.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

lt
Enclosure

MOTION—Request Return of LB 861

Mr. F. Lewis moved to direct the Clerk to request the Governor to return LB 861 to the Legislature for further consideration.

Mr. Dickinson raised a point of order on whether this motion is out of order.

The Chair sustained his point of order and ruled the motion out of order.

MOTION—Return LB 782 to Select File

Mr. Kime and Mr. DeCamp moved to return LB 782 to Select File for the following specific amendment:

1. At the end of line 1 of new matter incorporated in the Kime motion, as found on page 1171 of the Journal, insert "local".

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 782. The Kime – DeCamp specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Bracket LB 948

Mr. Murphy asked unanimous consent to bracket LB 948 on E & R Final. No objections. So ordered.

UNANIMOUS CONSENT—Unbracket LB 204

Mr. DeCamp asked unanimous consent to unbracket LB 204 on E & R Final.

Mr. Dickinson objected.

Mr. DeCamp moved to unbracket LB 204.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 17 ayes, 3 nays and 29 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed.

The DeCamp motion to unbracket LB 204 prevailed with 29 ayes, 4 nays and 16 not voting.

MOTION–Return LB 204 to Select File

Mr. DeCamp moved to return LB 204 to Select File for the specific amendment found in the Journal on page 1191 for the Fiftieth Day.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 15 ayes, 7 nays and 27 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed.

The DeCamp motion to return LB 204 prevailed with 26 ayes, 11 nays and 12 not voting.

SELECT FILE

LEGISLATIVE BILL 204. The DeCamp specific amendment found in the Journal on page 1191 for the Fiftieth Day was renewed.

Mr. Keyes requested a record vote.

Voting in the affirmative, 26:

Anderson	Barnett	Burbach	Cavanaugh	DeCamp
Fitzgerald	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kime	F. Lewis	Mahoney	Maresh
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Skarda	Stull	Swigart	Syas
Wiltse				

Voting in the negative, 5:

Burrows	Cope	Kennedy	Keyes	Stoney

Not voting, 18:

Bereuter	Carsten	Chambers	Clark	Dickinson
Duis	Dworak	George	Koch	Kremer
R. Lewis	Luedtke	Marsh	Marvel	Mills
Schmit	Simpson	Warner		

The specific amendment was adopted with 26 ayes, 5 nays and 18 not voting.

Mr. Keyes requested a record vote on the advancing to E & R for Engrossment.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 20 ayes, 7 nays and 22 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed.

Voting in the affirmative, 28:

Anderson Burbach Carsten Cavanaugh Clark
DeCamp Fitzgerald Fowler George Goodrich
Hasebroock Johnson Kelly Kime F. Lewis
Luedtke Mahoney Maresh Moylan Murphy
Nichol Rasmussen Rumery Savage Skarda
Swigart Syas Wiltse

Voting in the negative, 10:

Barnett Burrows Cope Dickinson Dworak
Kennedy Keyes Koch R. Lewis Stoney

Not voting, 11:

Bereuter Chambers Duis Kremer Marsh
Marvel Mills Schmit Simpson Stull
Warner

Advanced to E & R for Engrossment with 28 ayes, 10 nays and 11 not voting.

MOTION—Return LB 204 to Select File

Mr. Goodrich moved to return LB 204 to Select File for the following specific amendment:

(A) 1. Insert a new section to read as follows:

"Section 1. That section 53-125, Revised Statutes Supplement, 1975, be amended to read as follows:

Nothing in this section shall preclude issuing a license to a husband and wife with rights of survivorship if both persons make applications and are eligible to secure a license in his or her own name.".

2. On page 4, after line 10 insert the following:

"(5) The provisions of this section shall not apply to the free delivery of alcoholic liquor by a manufacturer, distributor, or wholesaler, which is hereby declared to be a valid business activity.".

3. On page 2, after line 10 insert a new section as follows:

"Sec. 4. That section 53-169, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-169.

(2) No manufacturer, distributor, or wholesaler shall, directly or indirectly or through a subsidiary or affiliate, or by any officer, director, or firm of such manufacturer, distributor, or wholesaler, furnish, give, lend, or rent any interior decorations other than lawful advertising signs or displays, as prescribed in this section, or furnish, give, lend, or rent any signs or displays, for inside use, costing in the aggregate more than one hundred dollars in any one calendar year for use in or about or in connection with any one establishment on which products of the manufacturer, distributor, or wholesaler are sold; Provided, that if such advertising signs are illuminated in any manner, they will be disconnected from their source of electrical energy during all times the retail premises are closed for business. Lawful advertising signs or displays shall include the following: (a) Pole displays, pole merchandisers, and stackers made of cardboard with or without metal feet, including cardboard bins designed to merchandise and advertise products and having no secondary value; (b) counter and floor racks, which are furnished by the manufacturer and are specifically identified with the manufacturer's brand; ~~and~~ (c) items and calendars advertising schedules of entertainment events or holidays and having no other secondary value; and (d) illuminated lamps, fixtures, or displays furnished by the manufacturer and identifying the manufacturer's brand. No person, engaged in the business of manufacturing, distributing, or wholesaling alcoholic liquors shall directly or indirectly pay for or advance, furnish any items for the individual use of the retail licensee's customers, or lend money for the payment of any licenses for another.".

4. On page 4, after line 25, insert a new section as follows:

"Sec. 6. That section 53-194.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-194.01. No law enforcement officer shall have any interest in an establishment or place of business which has a liquor license.

This section shall not prohibit a law enforcement officer from holding a membership in any nonprofit organization holding a liquor license. ~~Such~~

~~officer shall not participate in any manner in the management or administration of the nonprofit organization.~~".

5. On page 4, line 27, after "53-168," strike "and" and insert "53-169," and after "53-175," insert "and 53-194.01,".

6. On page 5, line 1 after "1943," insert "and section 53-125, Revised Statutes Supplement, 1975,".

7. Renumber original sections 1 and 2 as sections 2 and 3; renumber original section 3 as section 5; and renumber original section 4 as section 7.

(B) 1. insert a new section as follows:

"Sec. 2. That section 53-179, Revised Statutes Supplement, 1974, be amended to read as follows:

53-179. (1) No person shall sell at retail or dispense any alcoholic liquor on the day of any election, including any primary election, within the boundaries of any political subdivision when the election is one in which all of the electors of such political subdivision may participate in the voting, during the hours the polls are open within the political subdivision in which such election is being held.

(2) No alcoholic liquors, including beer, shall be sold at retail or dispensed ~~on the first day of the week, commonly called Sunday,~~ between the hours of 1:00 a.m. Sunday and 6:00 a.m. Sunday. No alcoholic liquors for consumption on the premises, except beer and wine, shall be sold at retail or dispensed ~~on the first day of the week, commonly called Sunday,~~ between the hours of 6:00 a.m. Sunday and 6:00 p.m. Sunday; and no alcoholic liquors for consumption off the premises, except beer and wine, shall be sold at retail or dispensed ~~on the first day of the week, commonly called Sunday,~~ between the hours of 6:00 a.m. Sunday and 12:00 midnight Sunday; Provided, that such limitations shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation as defined in section 53-103 and is the holder of a license issued under the provisions of either subdivision (5) C. or subdivision (5) H. of section 53-124 but such licensee shall not sell or dispense liquors on more than six days each week. The permissible hours for the sale of alcoholic liquors, including beer, at retail or the dispensing thereof on Sunday, if allowed, by other than a nonprofit corporation licensee, within the corporate limits of cities and villages, shall be governed by ordinance o the local

governing body; and outside the corporate limits of cities and villages, as shall be determined by resolution of the county board as provided more fully in subsection (3) hereof.

(3) No alcoholic liquors, including beer, shall be sold at retail or dispensed on secular days between 1:00 a.m. and 6:00 a.m.; Provided, that the local governing body of any city or village, in respect to the licensees within the corporate limits of cities or villages, or the county board, in respect to licensees outside the corporate limits of cities or villages, may require closing prior to 1:00 a.m. by ordinance or resolution on any day, including Sundays.

(4) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption after 1:15 a.m. on any day; Provided, that where any city or village provides by law for an earlier closing hour, the provisions of this subsection shall become effective fifteen minutes after such closing hour.

(5) Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section.".

2. On page 3, line 10 strike "is" and insert "and section 53-179, Revised Statutes Supplement, 1974, are".

3. Renumber original section 2 as section 3.

The motion lost with 9 ayes, 18 nays and 22 not voting.

MOTION–Return LB 204 to Select File

Mr. Kelly moved to return LB 204 to Select File for the following specific amendment:

1. Insert a new section 3 as follows:

Such returns shall be for the use of the commission in the administration of its duties. The general public shall have access to the information contained in such records. Prior to the distribution of such information by the commission, persons and businesses whose identity is revealed in such information shall be informed in writing of the name of each individual to whom the information will be supplied prior to the release of such information. Nothing contained in this section shall be construed to prevent the use if such returns for statistical purposes if such statistical uses of the information shall not reveal the identity of any persons and businesses named in such returns without the express permission of such persons and businesses.".

The amendment lost with 11 ayes, 18 nays and 20 not voting.

MOTION—Return LB 204 to Select File

Mr. Stoney moved to return LB 204 to Select File for the following specific amendment:

Page 2 of the DeCamp amendment. Line 7 starting with the words "nor prevent" strike all language thru line 12.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay and 20 not voting.

Mr. Stoney moved for a Call of the House. The motion prevailed with 18 ayes, 8 nays and 23 not voting.

Mr. Stoney requested a roll call vote.

Voting in the affirmative, 27:

Anderson Barnett Bereuter Burrows Cope
Dickinson Duis Fowler George Goodrich
Hasebroock Johnson Kelly Kennedy Keyes
Kime Koch Kremer R. Lewis Maresh
Marsh Mills Nichol Rumery Stoney
Swigart Wiltse

Voting in the negative, 18:

Burbach Carsten Cavanaugh Clark Dworak
Fitzgerald F. Lewis Luedtke Mahoney Marvel
Moylan Murphy Rasmussen Savage Simpson
Skarda Stull Syas

Not voting, 4:

Chambers DeCamp Schmit Warner

The motion to return prevailed with 27 ayes, 18 nays and 4 not voting.

Mr. George moved the Call be raised. The motion prevailed.

SELECT FILE

LEGISLATIVE BILL 204. The Stoney specific amendment found in this day's Journal was adopted with 27 ayes, 8 nays and 14 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print in Journal

Mr. George asked unanimous consent to print the following amendment to LB 690 in the Journal. No objections. So ordered.

Amendment to LB 690

(1) To the Goodrich amendment printed on page 1184 of the Legislative Journal, insert the following after $1,200:

"One percent of the total of nonclassified employees on the basis of merit as determined by the chief executive officer of each campus and approved by the appropriate governing board, but no nonclassified employee shall receive (1) a merit increase of more than five percent or (2) a total increase of more than $1,200.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 176. Replaced on Select File as amended.
E & R amendments to LB 176:

1. In lieu of the Goodrich amendment, on page 3, strike lines 14 to 16.
2. In lieu of all previous amendments thereto, on page 3, strike lines 5 to 8 and insert "wage of at least two dollars and fifty cents as of July 1, 1976.".
3. In the title, line 5, insert "full-time" after "for"; and strike E & R amendment to the same line adopted 2/18.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 178. Indefinitely postponed.
LEGISLATIVE BILL 364. Indefinitely postponed.
LEGISLATIVE BILL 456. Indefinitely postponed.
LEGISLATIVE BILL 462. Indefinitely postponed.
LEGISLATIVE BILL 648. Indefinitely postponed.
LEGISLATIVE BILL 726. Indefinitely postponed.

LEGISLATIVE BILL 754. Indefinitely postponed.
LEGISLATIVE BILL 755. Indefinitely postponed.

(Signed) F. Lewis, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 134.

UNANIMOUS CONSENT—Members Excused

Mr. Warner asked unanimous consent to be excused at 3:30 p.m. to 4:30 p.m. No objections. So ordered.

Mr. Kennedy asked unanimous consent to be excused at 4:30 p.m. No objections. So ordered.

MOTION—Return LB 204 to Select File

Mr. Cavanaugh moved to return LB 204 to Select File for the (B) portion of the Goodrich amendment found in this day's Journal on page 1224.

The motion prevailed with 25 ayes, 8 nays and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 204. The Cavanaugh specific amendment referred to above was adopted with 25 ayes, 10 nays and 14 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Members Excused

Mr. Stoney asked unanimous consent to be excused at 5:30 p.m. No objections. So ordered.

Mr. Dickinson asked unanimous consent to be excused at 5:00 p.m. No objections. So ordered.

Mr. Syas asked unanimous consent to be excused at 5:30 p.m. No objections. So ordered.

Mr. Kremer asked unanimous consent to be excused at 5:00 p.m. No objections. So ordered.

MOTION–Return LB 204 to Select File

Mr. Koch moved to return LB 204 to Select File for the following specific amendment:

To strike new language beginning on line 24 through line 27, Strike Sec 3 par (1) and (2) p 1192 of Journal.

Mr. Koch moved for a Call of the House. The motion prevailed with 20 ayes, 3 nays and 26 not voting.

The Call showed 46 members present.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 16:

Bereuter Burrows Cope Dickinson Dworak
Fowler Kelly Keyes Koch Kremer
R. Lewis Marsh Marvel Mills Rumery
Stull

Voting in the negative, 27:

Anderson Barnett Burbach Carsten Cavanaugh
Clark DeCamp Duis Fitzgerald George
Goodrich Hasebroock Johnson Kime F. Lewis
Luedtke Mahoney Maresh Moylan Murphy
Rasmussen Savage Schmit Simpson Skarda
Swigart Syas

Not voting, 6:

Chambers Kennedy Nichol Stoney Warner
Wiltse

The motion lost with 16 ayes, 27 nays and 6 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed.

UNANIMOUS CONSENT–Members Excused

Messrs. F. Lewis, Skarda, and Mahoney asked unanimous consent to be excused at 5:15 p.m. No objections. So ordered.

MOTION–Return LB 691 to Select File

Mr. Murphy moved to return LB 691 to Select File for the following specific amendment:

Strike the DeCamp amendment adopted today on page 1216.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 691. The Murphy specific amendment found in this day's Journal pending.

Laid over.

MOTION—Return LB 917 to Select File

Mr. Murphy moved to return LB 917 to Select File for the specific amendment found in the Journal on page 1125 for the Forty-eighth Day.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 917. The Murphy specific amendment found in the Journal on page 1125 for the Forty-eighth Day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 332A. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 332, Eighty-fourth Legislature, First Session, 1975; and to declare an emergency.

UNANIMOUS CONSENT—Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 703. No objections. So ordered.
(Amendments printed separate from the Journal and on file in the Clerk's office. Req. No. 2704)

MOTION—Return LB 819 to Select File

Mr. Mills moved to return LB 819 to Select File for the following specific amendment:

AMENDMENT TO LB 819

1. In the Final Reading copy, page 5, line 2, strike the new and reinstate the stricken matter; and in line 9 insert "or for which he has applied to receive such benefits or payments," after the comma.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 819. The Mills specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Re-Engrossment.

SPEAKER'S CALENDAR SUGGESTIONS

Friday, March 19 – 52nd Day
Monday, March 22 – 53rd Day
Tuesday, March 23 – 54th Day
(Last day of General File)
Wednesday, March 24 – 55th Day
Thursday, March 25 – 56th Day
Friday, March 26 – No session
Monday, March 29 – 57th Day
Tuesday, March 30 – 58th Day
Wednesday, March 31 – 59th Day
April 1 – 6 – No session
April 7 – 60th Day – Adjourn Sine Die

GENERAL FILE

LEGISLATIVE BILL 867. Title read. Considered.

Standing Committee amendment found in the Journal on page 786 for the Thirty-fifth Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 867A. Read and considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

MR. MILLS PRESIDING

LEGISLATIVE BILL 871. Read and considered.

Standing Committee amendments found in the Journal on page 1011 for the Forty-fourth Day were adopted with 27 ayes, 4 nays and 18 not voting.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

MESSAGE FROM THE GOVERNOR

March 18, 1976

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am hereby returning LB 752 with partial line item vetoes. The line item vetoes total $546,273.

The purpose and objective of all funding in LB 752 is certainly commendable and worthy of serious consideration, but cannot be viewed in isolation.

By making sizeable appropriations in a piecemeal fashion, the Legislature has thrown all spending caution to the wind. It is obvious that a strong spending coalition on the floor of the Legislature is unconcerned with budget priorities, and, therefore, indifferent to the tax rates which the citizens of the state will be forced to pay.

In my budget message in January of this year, I strongly recommended the Legislature to adopt the checkpoint prudence figure and urged your body to restrict your total General Fund appropriations to that level. If my recommendations would have been followed, a 2% reduction in the state income tax rate next year could have been possible and is still my goal.

By your proposed spending actions to date, however, any chance to reduce taxes has been eliminated unless you will recant on your action or sustain the many vetoes that apparently will be necessary. The big question now is whether your current intended level of appropriations will force an increase in the state sales and income tax rates.

Since your total budget authorizations are not before me, and I do not have the option of reducing other appropriations which may be of lesser priority, I have no alternative but to veto $546,273 from this measure.

There was appropriated $8,170 for the Ponca Public Schools which is unconstitutional as per the Attorney General's opinion attached. This amount, along with $524,103 for special education aid is eliminated for reasons stated above. Also, you are familiar with my opinions on the waste of belonging to the Education Commission of the States, and that figure of $14,000 is also struck.

I have approved the $35,272 for the school lunch program for the current school year, and $167,042 for the wards of the Court program. These two items, in my opinion, are critical enough to receive approval now, notwithstanding the fact that they should properly have been viewed also along with your total spending appropriations.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINION ATTACHMENT

DEPARTMENT OF JUSTICE
STATE OF NEBRASKA

March 18, 1976

Mr. Stan Matzke, Director
Department of Administrative Services
State Capitol
Lincoln, Nebraska

Dear Mr. Matzke:

Receipt of your letter of 17 March 1976 is hereby acknowledged. In that letter you have inquired if the $8,170 to be paid the Ponca Public School, pursuant to section 2 of LB 752 of the Eighty- Fourth Legislature, Second Session, is in violation of the Constitution of Nebraska. The same is hereinafter discussed.

The section you refer to above states in part as follows:

> "There is included in the amount shown $8,170 General Funds to be paid to School District No. 1 in Dixon County, Ponca Public School, for reimbursement of claims submitted by Ponca School District to the State Department of Education under the provisions of section 79-445, Revised Statutes Supplement, 1974."

The legislative history of that statute, Neb. Rev. Stat. Section 79-445 (Supp. 1974), discloses that it was the intent of the Legislature that when a pupil has, as a ward of the State of Nebraska or as a ward of any court of the State of Nebraska, been placed in a public school district other than the district in which he resided at the time he became a ward, the cost of his education shall be paid by the State of Nebraska under rules and regulations prescribed by the State Board of Education.

Obviously the clains submitted by the Ponca School District can and should be processed under Neb. Rev. Stat. Section 79-445 (Supp. 1974) uniformly and in the same manner as claims submitted by every other school district in this state. It is equally obvious that an appropriation can be made to cover all school districts who submit claims under Neb. Rev. Stat. Section 79-445 (Supp. 1974). However, the above quoted appropriation in section 2 of LB 752 does not operate uniformly and alike upon all school districts in this state but operates solely upon the Ponca School District and therefore, in our opinion, violates section 18 of Article III of the Constitution of Nebraska.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:smh

UNANIMOUS CONSENT—Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 690 in the Journal. No objections. So ordered.

AMENDMENT TO LB 690

(1) Add two new sections to read as follows:

"Sec.____ . If Legislative Bill 579, Eighty-Fourth Legislature, is enacted into law, there is hereby appropriated for the period of July 1, 1976, to June 30, 1977, for the agency named for each program from the specified funds for salaries, wages, and expenses, the sums specified in this section, except as otherwise appropriated.

Agency No. 48 -- Nebraska Coordinating Commission for Post-Secondary Education.

Program No. 640 -- Post-Secondary Education Coordination

GENERAL FUND	45,000
FEDERAL FUND est.	35,000
PROGRAM TOTAL	80,000

Program No. 299 -- Student Incentive Grants

FEDERAL FUND EST.	311,759
PROGRAM TOTAL	311,759

For Informational Purposes Only: Total Appropriations to Agency No. 48 and Fund Source

GENERAL FUND	45,000
FEDERAL FUND est.	346,759
AGENCY TOTAL	391,759

The Nebraska Coordinating Commission for Post-Secondary Education and administrative staff shall make use of that office equipment and supplies made available by the abolishment of the Higher Education Facilities Commission.

Sec. _____. If Legislative Bill 579, Eighty-Fourth Legislature, is not enacted into law, there is hereby appropriated for the period of July 1, 1976, to June 30, 1977, for the agency named for each program from the specified funds for salaries, wages, and expenses, the sums specified in this section, except as otherwise appropriated.

Agency No. 86 -- State Office of Planning and Programming

Program No. 299 -- Student Incentive Grants

FEDERAL FUND est.	311,759
PROGRAM TOTAL	311,759

For Informational Purposes Only: Total Appropriations to Agency No. 86 and Fund Source

FEDERAL FUND est.	311,759
AGENCY TOTAL	311,759."

PRESIDENT WHELAN PRESIDING

GENERAL FILE

LEGISLATIVE BILL 871A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

ADJOURNMENT

At 6:01 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Friday, March 19, 1976.

Vincent D. Brown
Clerk of the Legislature

FIFTY-SECOND DAY–MARCH 19, 1976

LEGISLATIVE JOURNAL

FIFTY-SECOND DAY—MARCH 19, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 19, 1976

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Michael W. Gibson from Allen Chapel, African Methodist Episcopal Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Skarda who was excused; and Mr. Chambers who was absent until 9:45 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1212, line 37, strike " 517" and insert "71,517".
Page 1226, line 5, delete "amendment" and insert "motion".
The Journal for the Fifty-first Day was approved as corrected.

RESOLUTION

LEGISLATIVE RESOLUTION 136. Considered.

Mr. Warner renewed his pending amendment found in the Journal on page 1202 for the Fifty-first Day.

Mr. Kremer asked unanimous consent to have LR 136 laid over until Monday, March 22, 1976. No objections. So ordered.

Mr. Burrows asked unanimous consent to print the following amendment to LR 136 in the Journal. No objections. So ordered.

Strike the entire Resolved portion of Legislative Resolution 136 and substitute:

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature reaffirms its action in Resolution 65 of the Eighty-fourth Legislature, First Session.

SELECT FILE

LEGISLATIVE BILL 690. E & R amendments found in the Journal on page 1208 for the Fifty-first Day were adopted.

Mr. George asked unanimous consent to withdraw his pending amendment found in the Journal on page 1227 for the Fifty-first Day. No objections. So ordered.

Mr. Warner asked unanimous consent to temporarily withdraw his amendment found in the Journal on page 1234 for the Fifty-first Day. No objections. So ordered.

Laid over temporarily at the request of Mr. Barnett.

RESOLUTION

LEGISLATIVE RESOLUTION 141.

Introduced by Keyes, 3rd District.

WHEREAS, in the past ten years the local property tax has increased approximately one hundred thirty-six per cent; and

WHEREAS, in the past ten years the city property tax has increased approximately ninety-six per cent; and

WHEREAS, in the past ten years the school property tax has increased approximately one hundred forty-six per cent; and

WHEREAS, in the past years, legislation has been enacted which has removed property from the tax base; and

WHEREAS, the current financial burden for the support of cities, counties, and schools has fallen upon the local property tax; and

WHEREAS, the present system of public finance in Nebraska has not been thoroughly examined in the past ten years; and

WHEREAS, the need for an assessment of public finance in Nebraska is critical to further policy decisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee undertake a study of the feasibility of limiting the amount of revenue that may be generated by each political subdivision.

2. That the Revenue Committee examine the classification of property for tax purposes.
3. That the Revenue Committee examine the effect of changing the method of property valuation from assessed value to actual value.
4. That the Revenue Committee report its findings and make such recommendations as it deems necessary to the First Session of the Eighty-Fifth Legislature.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINION

Opinion No. 204
March 18, 1976

Dear Senator Nichol:

Receipt of your letter of 16 March 1976 is hereby acknowledged. In that letter you have inquired if the following proposed amendment to LB 690 of the Eighty-Fourth Legislature, Second Session, is constitutional:

> "1. On page 17 of LB 690, white copy, after line 18 insert:
>
> "There is hereby appropriated an additional $225,000 from the General Fund for the purpose of renovation and repair of physical facilities of the Western Technical Community College Area."

We have previously offered our opinion that the Technical Community College Act, Neb. Rev. Stat. Sections 79-2636 to 79-2662 (Supp. 1975), serves a local purpose and not a state purpose and therefore does not violate Section 1A of Article VIII of the Constitution of Nebraska. Nebraska Legislative Journal, Eighty-Fourth Legislature, First Session, pp.1004 to 1006 (March 18, 1975). We have also previously offered our opinion that a specific appropriation to a specific technical community college area is special legislation which is prohibited by Section 18 of Article III of the Constitution of Nebraska. Nebraska Legislative Journal, Eighty-Fourth Legislature, First Session, pp. 2066 to 2067 (May 22, 1975). We hereby affirm both of those opinions.

We wish to make it clear that "[t]he legislature may make a reasonable classification of persons, corporations and property for purposes of legislation concerning them, but the classification must rest upon real differences in situation and circumstances surrounding the members of the class, relative to the subject of the legislation, which render appropriate its enactment; and to be valid the law must operate uniformly and alike upon every member of the class so designated." Cox v. State, 134 Neb. 751, 279 N.W. 482 (1938). The proposed amendment to LB 690, which is quoted above, obviously does not operate uniformly and alike upon each of the six (6) technical community college areas. It operates solely upon the Western Technical Community College Area. We are therefore of the opinion that the proposed amendment to LB 690, which is quoted above, violates Section 18 of Article III of the Constitution of Nebraska.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

MOTION–Return LB 691 to Select File

Mr. F. Lewis moved to return LB 691 to Select File for the following specific amendment:

On page 34, after line 13 insert "the unexpended balance existing on June 30, 1977 in the Nebraska Habitat Fund is hereby lapsed to the General Fund."

Motion pending.

MOTION–Override Line Item Veto on LB 752

Mr. F. Lewis moved to override the Governor's line-item veto on LB 752.

Motion pending.

SELECT FILE

LEGISLATIVE BILL 691. Mr. Murphy renewed his pending specific amendment found in the Journal on page 1230 for the Fifty-first Day.

The amendment was adopted with 34 ayes, 0 nays and 15 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Unbracket LB 948

Mr. Murphy asked unanimous consent to unbracket LB 948 on E & R Final. No objections. So ordered.

MOTION—Return LB 948 to Select File

Mr. Murphy moved to return LB 948 to Select File for the specific amendment found in the Journal on page 1200 for the Fifty-first Day.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 948. The Murphy specific amendment found in the Journal on page 1200 for the Fifty-first Day was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 434. Mr. Goodrich asked unanimous consent to withdraw his pending amendment found in the Journal on page 782 for the Thirty-fifth Day. No objections. So ordered.

Mr. Schmit offered the following amendment:

1. Strike original sections 1 to 4 and insert the following:

the contents of the amendments printed March 18, 1976 to LB 703 (Req. No. 2704).

2. In the title, strike lines 2 through 6 and insert:

"FOR AN ACT to adopt the Nebraska Hospital-Medical Liability Act; and to provide severability.".

Mr. Chambers ruled a point of order that his amendment is different from that under consideration per Rule 7, Sec. 3(d).

The Chair sustained the point of order of Mr. Chambers and ruled the Schmit amendment out of order.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3(d) and Rule 5, Sec. 2(B) to allow the amendment offered by Mr. Schmit to be accepted as substitute amendments to LB 434.

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 8 nays and 11 not voting.

The DeCamp motion to suspend the rules prevailed with 38 ayes, 7 nays and 4 not voting.

MESSAGES FROM THE GOVERNOR

March 18, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 861 and Reengrossed Legislative Bill No. 634A.

These bills were signed by me on March 18, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

March 18, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 665 and 667, and Reengrossed Legislative Bill No. 869.

These bills were signed by me on March 18, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

RESOLUTIONS

LEGISLATIVE RESOLUTION 142.

Introduced by F. Lewis, 45th District.

WHEREAS, the general and particular needs of older citizens are of priority concern to the State of Nebraska as well as its local political subdivisions; and

WHEREAS, local political subdivisions are the appropriate units of planning for, assisting with, and meeting the area and local needs of their older citizens; and

WHEREAS, many local political subdivisions are desirous of providing continuous and dependable support to programs for older citizens to assist in meeting their needs; and

WHEREAS, some political subdivisions are at the constitutional limit of their taxing authority but continue to be interested in meeting the needs of their older citizens; and

WHEREAS, there appears to be sound and viable alternatives which the State of Nebraska may take to alleviate this condition through actions of the Legislature, cooperation with the local political subdivisions, and input from older citizens and other interests.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE, OF NEBRASKA, SECOND SESSION:

1. That the Legislature's committee on Public Health and Welfare conduct a thorough interim study to determine how local political subdivisions could best assist in meeting the needs of their older citizens through support of service programs and activities, giving special attention to (a) constitutional limits on taxing authority, (b) continuity of support, and (c) considerations necessarily involved when two or more local government entities share older population.
2. That such committee consider the experiences and solutions as may be, or have been proposed by other states.
3. That such committee, submit a report of its findings together with its recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 806. Replaced on Select File as amended.

E & R amendments to LB 806:

1. On page 2, lines 2 and 3, strike "the boards" and insert "a board"; and strike the comma in lines 20 and 24.
2. On page 4, line 5, strike "provided that" and insert "in which"; and in line 21, strike the comma.
3. On page 12, line 27, strike "him" and insert "~~him~~ them".
4. On page 15, line 22, strike "for a term of two years" and reinsert the same in line 20 after "appointed".

5. On page 18, line 4, strike the first comma and insert "or"; in line 7, insert "name of the" after "and"; in lines 10 and 19 strike "state"; and insert an underscored comma at the end of line 25.

6. On page 20, line 6, strike the comma.

7. On page 22, insert "or" at the end of line 24.

8. On page 23, line 8, strike the first comma and insert "or"; in line 10 strike "this section" and insert "section 38 of this act"; in line 23, insert an underscored comma after "If"; and in line 22 strike "center," and insert "mental health center or".

9. On page 24, line 2, strike "39" and insert "38".

10. On page 25, insert an underscored comma at the end of line 20; and in line 22 strike ", and" and insert "and,".

11. On page 27, line 3, strike ", and" and insert "and,".

12. On page 28, line 20, strike "this" and insert "such".

13. On page 29, insert an underscored comma after "alternatives" in line 25 and "person" in line 27.

14. On page 30, line 5, strike "is" and insert "shall be"; and insert "mental health" after "subject's" in line 7 and "the" in line 23.

15. On page 31, line 25, strike "is".

16. On page 32, line 13, insert "mental health" after the second "the".

17. On page 34, line 7, strike "this" and insert "such".

18. On page 35, line 9, strike the comma; in line 25 insert an underscored comma after "shall"; in line 26 insert "hearing" after "preliminary" and "the" after "and"; and in line 27 strike "hearings" and insert "hearing".

19. On page 36, line 7, strike "final and" and after "preliminary" insert "and final".

20. On page 37, line 7, strike "final and" and after "preliminary" insert "or final"; in lines 20 and 21 strike ", as the case may be,"; and in line 26 strike the comma.

21. On page 38, line 22, strike "such"; and in line 24 insert an underscored comma after "court".

22. On page 39, line 14, insert "mental health" after "the".

23. On page 40, line 1, insert an underscored comma after "first"; in line 13 strike the comma; in line 14

insert an underscored comma after "and"; in line 21 strike "to" and insert "from"; and in line 22 strike "is" and insert "shall be".

24. On page 41, line 2, strike "has" and insert "shall have".

25. On page 43, line 1, strike the comma; in line 10 strike "is authorized" and insert "may"; and in line 27 strike ", but" and insert "but,".

26. On page 44, line 8, strike "subdivision" and insert "section"; and in line 27 strike "does" and insert "shall".

27. On page 47, line 2, strike the comma; in line 3 strike ", if" and insert "if,"; in line 4 insert an underscored comma after "court"; and in line 17 strike "a".

28. On page 48, line 4, insert an underscored comma after "Health"; and in line 6 strike "while so serving".

29. On page 49, insert an underscored comma after "rehearings" in line 1 and "Health" in line 13.

30. In the title, line 5, insert "to provide appellate procedures;" after the second semicolon; in line 6 insert "80-601," after "sections"; and in lines 10 and 11 strike "to provide an operative date;".

LEGISLATIVE BILL 867. Placed on Select File.
LEGISLATIVE BILL 867A. Placed on Select File.

LEGISLATIVE BILL 871. Placed on Select File as amended.
E & R amendments to LB 871:

1. In committee amendments, page 1, line 7, insert "section 4 of" after "in" and insert an underscored comma after "act"; and in line 16 strike "such county" and insert "county described in section 2 of this act".

2. In the title, strike lines 4 to 6 and insert "Indians; to restate purposes; to provide for a report to the Governor; to provide for a program of alcohol rehabilitation as prescribed; and to repeal".

LEGISLATIVE BILL 871A. Placed on Select File.

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 434. Mr. Chambers requested a division of the question on the Schmit amendments found in this day's Journal to take each of the first 20 sections individually.

Mr. Schmit moved to reject lines 2 and 3, page 1 of his amendment. The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Schmit moved to adopt Sec. 1 of his amendment.

Mr. Chambers moved to reject Sec. 1 of the Schmit amendment.

The Chair ruled the motion out of order.

Mr. Chambers appealed the decision of the Chair. The question is, "Shall the Chair be overruled. The motion lost with 3 ayes, 27 nays and 19 not voting.

Sec. 1 was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Schmit moved Sec. 2 be adopted.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Sec. 2 was adopted with 34 ayes, 0 nays and 15 not voting.

Mr. Schmit moved the adoption of Sections 3, 4, 5, 6, 7, 8, and 9.

EASE

The Legislature was at ease from 11:14 a.m. until 11:19 a.m.

MR. SIMPSON PRESIDING

Mr. Kelly offered the following amendment to Sec. 3:

AMENDMENT TO LB 434

1. On page 2, strike lines 9 through 16 and insert "person, partnership, or corporation lawfully engaged in the practice of medicine, surgery, osteopathy, dentistry, chiropractic, podiatry, physical therapy, or nursing; or a person, partnership, or corporation lawfully engaged in the operation of a hospital or health services institute or facility licensed under section 71-2018, Revised Statutes Supplement, 1974.".

Mr. Kelly moved for a Call of the House. The motion lost with 13 ayes, 19 nays and 17 not voting.

Mr. Kelly requested a roll call vote.

Voting in the affirmative, 18:

Bereuter
Burrows
Cavanaugh
Chambers
DeCamp
Dworak
Fowler
Kelly
Kennedy
Keyes
Kime
F. Lewis
R. Lewis
Luedtke
Maresh
Marvel
Mills
Simpson

Voting in the negative, 20:

Burbach
Carsten
Cope
Goodrich
Hasebroock
Koch
Kremer
Mahoney
Marsh
Moylan
Nichol
Rasmussen
Rumery
Savage
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Not voting, 11:

Anderson
Barnett
Clark
Dickinson
Duis
Fitzgerald
George
Johnson
Murphy
Schmit
Skarda

The Kelly amendment lost with 18 ayes, 20 nays and 11 not voting.

Secs. 3 thru 9 of the Schmit amendments were adopted with 38 ayes, 1 nay and 10 not voting.

Sec. 10 of the Schmit amendment was adopted with 36 ayes, 0 nays and 13 not voting.

Sec. 11 of the Schmit amendment was adopted with 34 ayes, 0 nays and 15 not voting.

Sec. 12 of the Schmit amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Sec. 13 of the Schmit amendment was adopted with 31 ayes, 0 nays and 18 not voting.

Sec. 14 of the Schmit amendment was adopted with 32 ayes, 0 nays and 17 not voting.

Sec. 15 of the Schmit amendment was adopted with 31 ayes, 0 nays and 18 not voting.

Sec. 16 of the Schmit amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Sec. 17 of the Schmit amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Burrows offered the following amendment:
Strike Sec. 18, lines 7 through 14.

Amendment pending.

UNANIMOUS CONSENT–Members Excused

Mr. Clark asked unanimous consent to be excused this afternoon. No objections. So ordered.

Mr. Simpson asked unanimous consent to be excused until he returns this afternoon. No objections. So ordered.

VISITORS

The President introduced 23 seventh grade students and teacher from Bellwood, Nebraska; 27 seventh grade students and teacher from Kenesaw, Nebraska; 66 fourth grade students, 10 teachers and sponsors from Kearney, Nebraska; 26 senior high students and instructor from Springfield, Nebraska; 53 fourth and sixth grade students and instructor from Hillside School, District 66, Omaha, Nebraska; Mr. & Mrs. Doyle Wineland; Rev. & Mrs. Ronald D. Sapp and children from Wildewood Christian Church, Ralston, Nebraska.

RECESS

At 12:01 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Burbach presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Duis, and Skarda who were excused; and Mr. Simpson who was excused until he arrives.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 204. Replaced on Select File as amended.
E & R amendments to LB 204:

1. The Stoney amendment having removed all amendatory matter therefrom, strike section 1 found in the DeCamp amendments adopted 3/18.

2. Renumber sections as follows: Sections 2 and 3 in the DeCamp amendments adopted 3/18/76 as sections 1 and 2, section 3 in the Goodrich amendments adopted 5/2/75 as section 3, section 5 in the DeCamp amendments adopted 3/18/76 as section 4, section 4 in the Goodrich amendments adopted 5/2/75 as section 5, and section 2 in the Cavanaugh amendments adopted 3/18/76 as section 6.

3. Strike section 7 and amendment 2 in the DeCamp amendments adopted 3/18/76 and the Cavanaugh amendments 2 and 3 adopted 3/18/76.

4. In the DeCamp amendments adopted 3/18/76, page 2, line 27 strike "of such products".

5. In the DeCamp amendments adopted 3/18/76, page 3, line 6, insert an underscored comma after "section".

6. In the Goodrich amendments adopted 5/2/75, page 1, strike lines 3 and 4 as amended and insert:

"Sec. 3. That section 53-125, Revised Statutes Supplement, 1975, be amended to read as follows:".

7. In the DeCamp amendments adopted 3/18/76, page 4, strike the new matter in lines 3 and 4 and reinsert the same before the period in line 5.

8. Insert a new section to read:

"Sec. 7. That original sections 53-123.03, 53-127, and 53-149, Reissue Revised Statutes of Nebraska, 1943, section 53-179, Revised Statutes Supplement, 1974, and section 53-125, Revised Statutes Supplement, 1975, are repealed.".

9. In the title, strike lines 2 to 7 and all amendments thereto and insert:

"FOR AN ACT to amend sections 53-123.03, 53-127, and 53-149, Reissue Revised Statutes of Nebraska, 1943, section 53-179, Revised Statutes Supplement, 1974, and section 53-125, Revised Statutes Supplement, 1975, relating to alcoholic liquors; to provide a geographic limitation; to provide a penalty; to provide for licenses with rights of survivorship; to provide an additional authorized licensee; to permit the sale of wine on Sunday; and to repeal the original sections.".

LEGISLATIVE BILL 917. Replaced on Select File as amended.
E & R amendments to LB 917:

1. In the last line of the Murphy amendment 1

adopted 3/18, strike the period and insert a semicolon.
2. On page 8, insert "the" at the end of line 7.
3. On page 9, line 1, strike "(4)" and insert "(2)".

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 176. E & R amendments found in the Journal on page 1227 for the Fifty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 434. The Burrows pending amendment to Sec. 18 of the Schmit amendment found in this day's Journal was renewed.

The amendment lost with 6 ayes, 19 nays and 24 not voting.

PRESIDENT WHELAN PRESIDING

Mr. Cavanaugh offered the following amendment to Sec. 18 of the Schmit amendment:

Amendment to LB 434

Amend the Schmit amendment to LB 434 as follows:
Section 18, Page 5, Line 10, after "obtained", strike "guaranteeing safety or freedom from harm".
Line 14, after "provider" add,
"Nothing in this section shall exempt any health care provider from the standard of due care in administering any procedure undertaken."

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Chambers offered the following amendment to Sec. 18 of the Schmit amendment:

AMENDMENT TO SCHMIT AMENDMENT TO LB 434

Section 18; Insert:
Any treatment or procedure which is out of the ordinary or which carries more than ordinary risk for the patient, shall not be undertaken unless the agreement of the patient is expressly set forth in writing.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 9:

Bereuter Burrows Chambers Fowler Kelly
Koch F. Lewis Luedtke Mills

Voting in the negative, 29:

Anderson Carsten Cavanaugh Cope DeCamp
Dickinson Dworak George Hasebroock Johnson
Kennedy Keyes Kime Kremer R. Lewis
Mahoney Maresh Marsh Moylan Murphy
Rasmussen Rumery Schmit Stoney Stull
Swigart Syas Warner Wiltse

Not voting, 11:

Barnett Burbach Clark Duis Fitzgerald
Goodrich Marvel Nichol Savage Simpson
Skarda

The amendment lost with 9 ayes, 29 nays and 11 not voting.

Sec. 18 of the Schmit amendment, as amended, was adopted with 27 ayes, 2 nays and 20 not voting.

Mr. Chambers offered the following amendment to Sec. 19 of the Schmit amendment:

SECTION 19 - Strike all language related to wrongful death.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays and 20 not voting.

Mr. Chambers asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Luedtke offered the following amendment to Sec. 19 of the Schmit amendment:

AMENDMENT TO LB 434

Amend Section 19 of the Schmit amendment to LB 434 to strike entire Section 19 and insert in lieu thereof the following:

"Section 19. (1) In any action for damages for bodily injuries or for wrongful death where it is alleged that the claimant suffered damages for the cost of medical care, custodial care or rehabilitation services, evidence which tends to establish that the claimant or another person so damaged has been or shall be reimbursed or paid for any such item of damage, cost, or expense, in whole or in part, by any nonrefundable medical reimbursement insurance shall not be admissable in evidence or brought to the attention of the jury, but such nonrefundable medical reimbursement insurance benefits, less all premiums paid by or for the claimant, may be taken as a credit against any judgment rendered. The matter of any credit to be deducted from a judgment shall be determined by the court in a separate hearing or upon the stipulation of the parties.

(2) Damages recoverable in any action shall be those losses which have been or shall be sustained by the claimant as a direct and proximate result of the defendant's wrongful acts as established by a preponderance of the evidence. In wrongful death actions pecuniary loss to a widow or widower, any dependent, or next-of-kin shall be subject to all of the terms and provisions of this act."

The Luedtke amendment was adopted with 31 ayes, 0 nays and 18 not voting.

Sec. 20 of the Schmit amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Chambers requested a division of the question on the remaining sections of the Schmit amendments.

Messrs. Moylan, Johnson, and Dickinson asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

Mr. Cavanaugh offered the following amendment to Sec. 21 of the Schmit amendment:

Amendment to LB 434

Amend the Schmit amendment to LB 434 as follows:
Page 8, line 18, after "patient" strike "shall have elected not to come under the".
Page 8, line 19, strike "provisions of the act".
Page 8, line 18, after "patient" add: "after actual notice by the health care provider of the terms of this act in writing shall have elected in writing not to come under the provisions of this act".
Page 8, line 19, strike "Unless the patient or his". Strike line 20 through 27.
Page 9, strike lines 1 through 14.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 7 nays and 18 not voting.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Mr. Cavanaugh requested a record vote on his amendment.

Voting in the affirmative, 7:

Bereuter
Cavanaugh
Dworak
Kelly
Luedtke
Marvel
Simpson

Voting in the negative, 26:

Barnett
Carsten
Cope
DeCamp
Fowler
George
Kennedy
Keyes
Kime
Koch
R. Lewis
Mahoney
Maresh
Marsh
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Not voting, 16:

Anderson
Burbach
Burrows
Chambers
Clark
Dickinson
Duis
Fitzgerald
Goodrich
Hasebroock
Johnson
Kremer
F. Lewis
Mills
Moylan
Skarda

The amendment lost with 7 ayes, 26 nays and 16 not voting.

Mr. DeCamp offered the following amendment to Sec. 21 of the Schmit amendment:

AMENDMENT TO SENATOR SCHMIT'S AMENDED LB 434

Add a Section 21, subsection (4) as follows:
"Each health care provider who has qualified under this act shall post and keep posted in his waiting room or other suitable location a sign of a size and type to be prescribed by the director stating: '(name of health care provider) has qualified under the provisions of the Nebraska-Hospital Medical Liability Act. Patients will be subject to the terms and provisions of that act unless they file a refusal to be bound by the act with the Director of Insurance of the State of Nebraska.' "

The amendment was adopted with 26 ayes, 10 nays and 13 not voting.

Mr. Kennedy asked unanimous consent to be excused at 4:00 p.m. No objections. So ordered.

Mr. Chambers offered the following amendment to the Schmit amendment to Sec. 21:
P. 8 Strike paragraphs (2) (3) and (4) of Section 21

Mr. DeCamp moved the previous question. The question is, "Shall the debate nowclose?"The motion prevailed with 26 ayes, 3 nays and 20 not voting.

The Chambers amendment lost with 6 ayes, 25 nays and 18 not voting.

Sec. 21 pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 948. Replaced on Select File as amended.
E & R amendments to LB 948:
1. On page 5, line 21, insert "vote" after "majority".
2. On page 10, lines 5 and 10, strike "guaranty fund".
3. On page 14, line 4, strike "go" and insert "goes"; and in line 5 strike "are" and insert "is".
4. On page 17, strike lines 11 and 12, and insert "the operation of the corporation.".

Correctly Engrossed

The following bills were correctly engrossed: 761, 761A, 782, 809, 819, 852, 911, and 920.

(Signed) Donald N. Dworak, Chairman

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 855. Indefinitely postponed.

(Signed) F. Lewis, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 143.

Introduced by Maresh, 32nd District.

WHEREAS, the costs of highway construction and maintenance have more than doubled in the past five years seriously affecting Nebraska's highway construction program; and

WHEREAS, the Department of Roads is experiencing difficulty in carrying out its long-range plan in highway construction and repair; and

WHEREAS, the State Highway Commission has become concerned over a lack of funds to carry out its duties, responsibilities, and programs; and

WHEREAS, there is a need to consult with the Department of Roads to determine if highway construction standards may be altered or lowered as a result of the mandated lower speed limit; and

WHEREAS, a sound highway system is important to keep Nebraska's economy strong and viable because the timely and efficient movement of its industrial and agricultural products is so dependent on such system; and

WHEREAS, there has been several bills before the Legislature to generate more highway revenue and such bills were not adequately discussed and considered at the hearings on such bills.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature direct the Revenue Committee to study the problems in this area and hold hearings statewide to determine whether a state income tax could be used to generate additional revenue.
2. That the committee at the conclusion of its study submit a report of its findings together with any recommendations to the Legislature.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 205
March 19, 1976

Dear Senators Dickinson and George:

This is in response to your inquiry of March 17, 1976, concerning the proposed amendment to LB 779 which is printed on page 1144 of the Legislative Journal. We would refer you to Opinion of the Attorney General, No. 196, which is found on page 1038 – 1040 of the Legislative Journal wherein we concluded that a similar proposed amendment would comply with the applicable constitutional provisions if modified in certain respects. The amendment herein considered appears to have incorporated our suggested modification in the phrase:

> "...Said Commission is further authorized to execute an agreement, the performance of which shall be contingent upon funds being made available therefor, ..."

Thus we conclude that this amendment would probably be constitutionally acceptable.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Steven C. Smith
Assistant Attorney General

SCS:smh
cc: Mr. Vincent Brown
Clerk of the Legislature

Opinion No. 206
March 19, 1976

Dear Senator Duis:

In your letter of March 16, 1976, you call our attention to LB 958, which makes provision for the deposit by the State Investment Officer of funds in his hands in banks in this state. You point out that section 2(3) of the bill makes provision for a time deposit in the sum of $100,000, and a demand deposit in the sum of $40,000. You inquire whether the Federal Deposit Insurance Corporation insures deposits of one depositor in excess of $100,000. We conclude that it does.

Section 330.8(a)(2) of the F.D.I.C. Rules and Regulations provides:

> "Each official custodian of funds of any State of the United States or any county, municipality, or political subdivision thereof depositing the same in time or savings deposits in an insured bank in the same State shall be separately insured up to $100,000."

Subsection (a)(5) of that section provides:

> "Each official custodian referred to in paragraphs (a)(2), (3), and (4) of this section lawfully depositing such funds in demand deposits in an insured bank within the same State, District of Columbia, Commonwealth, possession or territory comprising the public unit or wherein the public unit is located, or in any form of deposit, whether time, savings or demand, in an insured bank outside such jurisdiction, shall be separately insured up to $40,000."

It appears to us clear that the use of the word "separately" in each of the above subparagraphs indicates that there are separate insurance provisions for time or savings deposits and demand deposits. We would therefore construe these regulations as providing for a total of $140,000 insurance of public funds deposited by the State Investment Officer, assuming that he deposited $100,000 in a time or savings deposit, and $40,000 in a demand deposit.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smh
cc: Mr. Vincent Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LR 136 in the Journal. No objections. So ordered.

Amendment to LR 136 in lieu of the Warner Amendment
Strike "established" at the end of paragraph 1 and insert
supported and that the members of the Old West Regional Commission be encouraged to proceed with the next phase of detailed planning so that the specific proposals can be reviewed by the five state legislatures.

UNANIMOUS CONSENT—Member Excused

Mr. F. Lewis asked unanimous consent to be excused Monday, March 22, 1976 until he arrives. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Marvel asked unanimous consent to print the following amendments to LB 972 in the Journal. No objections. So ordered.

AMENDMENT TO LB 972

(1) On page 13, line 26, strike "3,617,921" and insert "3,803,913".

(2) On page 14, line 1, strike "3,617,921" and insert "3,803,913".

(3) On page 15, line 7, strike "234,580" and insert "260,435"; and on line 11, strike "1,346,564" and insert "1,372,419"; and on line 14, strike "461,486" and insert "471,623"; and on line 18, strike "2,105,610" and insert "2,115,747".

(4) On page 16, line 8, strike "1,224,771" and insert "1,374,771"; and on line 12, strike "8,156,997" and insert

"8,306,997: and on line 15, strike "3,354,969" and insert "3,540,961"; and on line 19, strike "17,913,724" and insert "18,099,716".

(5) On page 17, strike line 12 thru line 21.

(6) On page 17, after line 11 insert:

"It is the intent of the Legislature that if the Vocational Rehabilitation federal funds which were budgeted as revenue by Mental Retardation Region VI, become available to Region VI prior to June 30, 1976, such funds shall offset General Funds. These remaining General Funds shall be reimbursed to the State Treasury on or before June 30, 1976."

(7) On page 18, line 4, strike "29,922,864" and insert "28,108,856"; and on line 11, strike "42,652,679" and insert "42,838,671".

SELECT FILE

LEGISLATIVE BILL 434. Sec. 21 of Schmit pending amendment renewed.

Mr. Goodrich moved to suspend the rules Rule 7 Sec. 3 Sub (E) Pg 39 and Rule 6 Sec 4 permitting amending rules that pertain and consider all the Sects 21–57 on one vote.

Mr. Chambers moved to adjourn until Monday, March 22, 1976, at 9:30 a.m. The motion lost with 2 ayes, 25 nays and 22 not voting.

Mr. Wiltse and Mr. Kelly asked unanimous consent to be excused the remainder of today. No objections. So ordered.

Mr. Warner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 30 ayes, 2 nays and 17 not voting.

Mr. Goodrich requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 28:

Barnett
Burbach
Cope
DeCamp
Fitzgerald
George
Goodrich
Hasebroock
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Mahoney
Maresh
Marsh
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Stoney
Stull
Swigart
Syas
Warner

Voting in the negative, 12:

Anderson	Burrows	Carsten	Cavanaugh	Chambers
Dworak	Fowler	F. Lewis	Luedtke	Marvel
Mills	Simpson			

Not voting, 9:

Bereuter	Clark	Dickinson	Duis	Johnson
Kelly	Moylan	Skarda	Wiltse	

The Goodrich motion lost with 28 ayes, 12 nays and 9 not voting.

Mr. Stoney moved the Call be raised. The motion prevailed.

Mr. DeCamp moved Sec. 21 through 57 of the Schmit amendment be adopted.

The Chair ruled the motion out of order.

Mr. Chambers moved to adjourn. The motion lost with 4 ayes, 25 nays and 20 not voting.

Mr. DeCamp appealed the decision of the Chair on adoption of Sec. 21 through 57 of the Schmit amendment. The question is, "Shall the Chair be overruled?" The motion lost with 18 ayes, 17 nays and 14 not voting.

Mr. Cavanaugh offered the following amendment to Sec. 21 of the Schmit amendment:

Amendment to LB 434

Amend the Schmit amendment to LB 434 as follows:
Section 21, Page 8, Line 18, after "elected" strike "not".
Line 20, strike "not".
Page 9, Line 9, strike "not".
Page 8, Line 17, strike "unless". Add after "act", "if".
Page 8, Line 19, strike "unless". After "act", add "if".

Amendment pending.

UNANIMOUS CONSENT—Print in Journal

Mr. Bereuter asked unanimous consent to print the following amendment to LB 690 in the Journal. No objections. So ordered.

AMENDMENT TO LB 690

(1) On page 18, line 25, after "Omaha," insert "Animal Research and Diagnosis Revolving Fund,".

VISITORS

The President introduced 22 fourth grade students and teacher from Leigh, Nebraska; Mr. Richard C. Loux, minority leader of the Kansas House of Representatives from 1969-1975.

ADJOURNMENT

At 4:53 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Monday, March 22, 1976.

Vincent D. Brown
Clerk of the Legislature

FIFTY-THIRD DAY—MARCH 22, 1976

LEGISLATIVE JOURNAL

FIFTY-THIRD DAY—MARCH 22, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 22, 1976

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. Otis E. Young, First Plymouth Congregational Church, Lincoln, Nebraska.

> God of all people, as we begin another week, grant to the members and officers of this legislature, a moment of quietness as they take up the duties of this day. As we go about the important business of government, give us the courage to change what should be changed, the serenity to accept what cannot be changed and the wisdom to distinguish the one from the other. Amid all the pressures brought upon us, make us above all seekers of the truth. Amen.

ROLL CALL

The roll was call and all members were present except Messrs. Anderson, F. Lewis, and Rumery who were excused until they arrive

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-second Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Carsten asked unanimous consent to be excused from 10:00 a.m. to 10:30 a.m. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 691. Placed on Select File as amended.
E & R amendments to LB 691:

1. Insert tne Marvel amendment to page 53 after subsection (9), Program No. 560 and before subsection (10) in the Marvel amendment to section 55; in line 2 thereof strike "Provided that expenditures" and insert "Expenditures"; and in the last line strike "Legislature" and insert "Legislative Council".

2. In the last line of the Mahoney numbered amendments 1 and 2, strike the period.

3. In lieu of previous amendments thereto, on page 12, line 14, strike "4,912,090" and insert "4,977,644"; in line 15 strike "775,700" and insert "992,992"; and strike line 16 and insert "5,970,636".

4. In lieu of previous amendments thereto, on page 13, line 22, strike "25,398,090" and insert "25,467,853"; in line 23 strike "775,700" and insert "992,992"; and in line 25 strike "27,189,050" and insert "27,476,809".

5. In lieu of previous amendments thereto, on page 29, line 11, strike "45,205,188" and insert "45,221,867"; and in line 14, strike "141,050,966" and insert "141,347,770".

6. On page 29, line 13, strike "81,516,185" and insert "81,796,310".

7. On page 34, line 8 as amended, strike "4,663,574" and insert "4,688,574".

8. In lieu of previous amendments thereto, on page 35, line 18, strike "4,076,334" and insert "4,132,346"; and in line 21 strike "10,370,684" and insert "10,483,195".

9. To correct errors in addition, in the informational purposes only portion of section 55 as amended, in the General Fund line strike "3,607,247" and insert "3,607,111"; and in the Agency Total line strike "15,036,463" and insert "15,036,327".

(Signed) Donald N. Dworak, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 674.

A BILL FOR AN ACT to amend sections 83-210.01, 83-210.02, and 83-211, Reissue Revised Statutes of Nebraska, 1943, and sections 83-210.03, 83-210.04, and 83-210.05, Revised Statutes Supplement, 1974, relating to vocational rehabilitation for the blind; to create a cash fund; to prescribe its name and purpose; to provide for deposits; to change duties and authority; to eliminate obsolete provisions; and to repeal the original sections, and also section 83-210, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson Barnett Bereuter Burbach Burrows
Carsten Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald Fowler
George Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Koch Kremer R. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Mills Moylan Murphy Nichol Rasmussen
Savage Schmit Simpson Skarda Stoney
Stull Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 4:

Cavanaugh Kime F. Lewis Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 674A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 674, Eighty-fourth Legislature, Second Session, 1976.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Clark Cope
DeCamp Dickinson Dworak Fitzgerald Fowler
George Goodrich Hasebroock Johnson Kelly

Kennedy Keyes Koch Kremer R. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Mills Moylan Murphy Nichol Rasmussen
Savage Schmit Simpson Skarda Stoney
Stull Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 4:

Duis Kime F. Lewis Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 797.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to fix the salary of members of the Legislature; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska.

Section 1. That at the general election in November, 1976, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; Provided, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of six hundred seventy-five dollars per month. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form: "Constitutional

amendment to fix the salary of each member of the Legislature at six hundred seventy-five dolalrs per month.
For
Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Clark Cope
DeCamp Dickinson Dworak Fitzgerald Fowler
George Goodrich Hasebroock Johnson Kelly
Keyes Kime Koch Kremer R. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Mills Moylan Murphy Rasmussen Savage
Simpson Skarda Stoney Stull Swigart
Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 6:

Duis Kennedy F. Lewis Nichol Rumery
Schmit

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION

LEGISLATIVE RESOLUTION 144.

Introduced by Koch, 12th District.

WHEREAS, the citizens of Nebraska should receive the very best in fire prevention and firefighting techniques to protect their lives and property; and

WHEREAS, this quality of service can best be provided by competent well-trained persons skilled in firefighting techniques; and

WHEREAS, the best training for such persons may be provided by specialized institutions of training and education within our state; and

WHEREAS, the responsibility for fire prevention and fire safety has been entrusted to the office of the State Fire Marshal.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's committee on Government, Military and Veterans Affairs conduct an interim study of the feasibility and workability of establishing a Nebraska Fire Service Training Agency and Fire Training Academy.

2. That the committee also conduct an investigation of the administration, management, enforcement procedures, and other operations, of the State Fire Marshal's office to determine whether the office is an effective and viable entity.

3. That the committee make a report of its findings together with its recommendations for possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 176.

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 690. Mr. Barnett offered the following amendment:

AMENDMENT to LB 690

1. In the Goodrich Amendment to page 18 of the white copy strike the second paragraph and insert:

It is the intent of this Legislature to assure that increases are given to all deserving employees on a fair and impartial basis. To assure that this intent is carried out, the University is directed to submit a report to the Legislature no later than February 1, 1977, detailing by department the number of employees in each classification, the number of employees given increases, the average amount and range of the increases, and the total amount spent by classification for increases.

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Bereuter renewed his pending amendment found in the Journal on page 1258 for the Fifty-second Day.

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Warner withdrew his amendment found in the Journal on page 1234 for the Fifty-first Day and offered the following amendment in lieu thereof:

LB 690

AMENDMENTS TO STANDING COMMITTEE AMENDMENTS

(1) Strike Sections 1 and 2 and insert the following new sections:

"Sec. ____. If Legislative Bill 579, Eighty-Fourth Legislature, is enacted into law, there is hereby appropriated for the period of July 1, 1976, to June 30, 1977, for the agency named for each program from the specified funds for salaries, wages, and expenses, the sums specified in this section, except as otherwise appropriated.

Agency No. 48 -- Nebraska Coordinating Commission for Post-Secondary Education.

Program No. 640 -- Post-Secondary Education Coordination

GENERAL FUND	45,000
FEDERAL FUND est.	35,000
PROGRAM TOTAL	80,000

Program No. 299 -- Student Incentive Grants

FEDERAL FUND EST.	311,759
PROGRAM TOTAL	311,759

For Informational Purposes Only: Total Appropriations to Agency No. 48 and Fund Source

GENERAL FUND	45,000
FEDERAL FUND est.	346,759
AGENCY TOTAL	391,759

The Nebraska Coordinating Commission for Post-Secondary Education and administrative staff shall make use of that office equipment and supplies made available by the abolishment of the Higher Education Facilities Commission.

Sec. ____. If Legislative Bill 579, Eighty-Fourth Legislature, is not enacted into law, there is hereby appropriated for the period of July 1, 1976, to June 30, 1977, for the agency named for each program from the specified funds for salaries, wages, and expenses, the sums specified in this section, except as otherwise appropriated.

Agency No. 65 -- Department of Administrative Services

Program No. 299 -- Student Incentive Grants

FEDERAL FUND est.	311,759
PROGRAM TOTAL	311,759

For Informational Purposes Only: Total Appropriations to Agency No. 65 and Fund Source

FEDERAL FUND est.	311,759
AGENCY TOTAL	311,759."

Sec. 3. This act shall become effective on July 1, 1976.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law."

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Cavanaugh renewed his pending amendment found in the Journal on page 1151 for the Forty-ninth Day.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 19 ayes, 18 nays and 12 not voting.

The Call showed 46 members present.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 20:

Anderson
Burbach
Burrows
Cavanaugh
Dworak
Fitzgerald
Fowler
George
Goodrich
Kelly
Kennedy
Keyes
R. Lewis
Mahoney
Maresh
Marvel
Mills
Murphy
Skarda
Syas

Voting in the negative, 22:

Bereuter
Chambers
Clark
Cope
DeCamp
Duis
Hasebroock
Johnson
Kime
Koch
Luedtke
Marsh
Moylan
Nichol
Rasmussen
Savage
Schmit
Simpson
Stull
Swigart
Warner
Wiltse

Not voting, 7:

Barnett
Carsten
Dickinson
Kremer
F. Lewis
Rumery
Stoney

The amendment lost with 20 ayes, 22 nays and 7 not voting.

Mr. Kelly offered the following amendment:

AMENDMENT TO LB 690

PURPOSE: Transfer SUN to Program 711 – UN–L

(1) On page 11, strike lines 15 through 20,

(2) On page 12, line 9, strike "24,701,637" and insert "24,572,245"; on line 10, strike "2,374,735" and insert "2,164,737"; on line 12, strike "58,795,233" and insert

"58,687,908"; on line 13, strike "104,664,561" and insert "104,217,846"; on line 18, strike "23,616,017" and insert "23,745,409"; on line 19, strike "12,159,468" and insert "12,369,466"; on line 21, strike "2,353,323" and insert "2,460,648"; and on line 22, strike "38,178,808" and insert "38,625,523".

(3) On page 15, line 9, strike "39,996,729" and insert "40,126,121"; on line 10, strike "12,935,712" and insert "13,145,710"; on line 12, strike "6,058,993" and insert "6,166,318"; and on line 13, strike "62,361,562" and insert "62,808,277".

Mr. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Kelly amendment lost with 4 ayes, 28 nays and 17 not voting.

Mr. Cavanaugh offered the following amendment:

To amend the committee amendment on p. 11, line 6, strike 10,479,771 and insert 9,979,771

line 12, strike 14,092,474 and insert 13,592,474 and adjust all totals accordingly.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay and 21 not voting.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 16 ayes, 15 nays and 19 not voting.

The Chair voted "aye" to break the tie.

The Call showed 46 members present.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 25:

Anderson
Bereuter
Burbach
Burrows
Cavanaugh
Chambers
DeCamp
Duis
Dworak
Fitzgerald
George
Kelly
Kennedy
Keyes
Kremer
R. Lewis
Mahoney
Maresh
Marvel
Mills
Murphy
Rasmussen
Skarda
Swigart
Syas

Voting in the negative, 20:

Barnett
Carsten
Clark
Cope
Dickinson

Fowler	Goodrich	Hasebroock	Johnson	Koch
Luedtke	Marsh	Nichol	Savage	Schmit
Simpson	Stoney	Stull	Warner	Wiltse

Not voting, 4:

Kime	F. Lewis	Moylan	Rumery

The amendment was adopted with 25 ayes, 20 nays and 4 not voting.

Mr. R. Lewis moved the Call be raised. The motion prevailed.

Advanced to E & R for Engrossment with 30 ayes, 2 nays and 17 not voting.

ANNOUNCEMENT

Mr. Schmit announced that the Nebraska Cow Belles are serving coffee and sandwiches in the Rotunda and would like to meet as many members of the Legislature as possible.

SELECT FILE

LEGISLATIVE BILL 806. E & R amendment found in the Journal on page 1242 for the Fifty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 867. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 867A. Mr. Koch offered the following amendment:
(1) Add the emergency clause.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 871. E & R amendments found in the Journal on page 1244 for the Fifty-second Day were adopted.

Speaker Burbach offered the following amendment:
(1) Strike Line 9 and insert the following:
"Sec. 3. Each qualifying county in which an Indian reservation".

The amendment was adopted with 26 ayes, 1 nay and 22 not voting.

Messrs. Barnett and Anderson offered the following amendments:

Insert contents of amendments printed to LB993, Req. No. 2694, Sections 1 through 82 inclusive, plus the following:

Sec. 83. That section 53-160, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-160. For the purpose of raising revenue a tax is imposed upon the privilege of engaging in business as a manufacturer or as a distributor at wholesale at a rate of ~~ten~~ eleven cents per gallon on all beer, regardless of alcoholic content; seventy-five cents per gallon for wine and other dilute alcoholic beverages; and two dollars and twenty-five cents per gallon on alcohol and spirits manufactured and sold by such manufacturer or imported for sale in this state by such distributor at wholesale in the course of such business; Provided, manufacturers or distributors at wholesale of alcoholic liquors shall be exempt from the payment of such gallonage tax imposed on such liquors, upon satisfactory proof, including bills of lading furnished to the commission by affidavit or otherwise as the commission may require, that such liquors were manufactured in this state but were shipped out of the state for sale and comsumption outside the State of Nebraska; and provided further, that dry wines or fortified wines manufactured or imported solely and exclusively for sacramental purposes and uses shall not be subject to the tax provided in this section. This tax is not imposed upon any alcoholic liquor, whether manufactured in or imported into this state when sold to a nonbeverage user, as defined in section 53-103, licensed by the state for use in the manufacture of any of the following when they are unfit for beverage purposes: Patent and proprietory medicines and medicinal, antiseptic, and toilet preparations; flavoring extracts and syrups and food products; scientific, industrial and chemical products, excepting denatured alcohol; or for scientific, chemical, experimental or mechanical purposes; nor is the tax imposed upon the privilege of engaging in any business in interstate commerce or otherwise, which business may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state. The tax herein imposed shall be in addition to all other occupation or privilege taxes imposed by the State of Nebraska or by any municipal corporation or political subdivision thereof; Provided, notwithstanding any ordinance or charter power to the contrary, no city or village shall impose an occupation tax on the business of any person, firm or corporation licensed under this act and doing business within the boundaries of such city or village in any sum which exceeds double the amount of the license fee required to be paid under this act to obtain such license, nor shall any city or village impose any occupation tax whatsoever on the business of any person, firm, or corporation holding a bottle club license issued under this act and doing business under such license within the boundaries of such city or village. The commission is hereby directed and authorized to collect the taxes herein imposed, and to account for and turn over to the State Treasurer at least once each week all money collected as herein provided. If any alcoholic liquor manufactured in or imported into this state is sold to a licensed manufacturer or distributor of this state to be used solely as an ingredient in the manufacture of any beverage for human consumption, the tax imposed upon such manufacturer or distributor shall be reduced by the amount of the taxes which have been paid as to such alcoholic liquor so used under this act. The net proceeds of all revenue arising hereunder shall inure to the state General Fund.

Sec. 88. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. On page 2, line 10 strike "section" and insert "sections" and after "23-362" insert "and 53-160"; and in line 11 strike "is" and insert "and section 29-1804.03, Revised Statutes Supplement, 1975 are".

3. Renumber sections accordingly.

Mr. DeCamp moved the previous question. Failed to receive five seconds.

Mr. Barnett moved for a Call of the House. The motion prevailed with 15 ayes, 12 nays and 22 not voting.

The Call showed 47 members present.

Mr. Barnett requested a roll call vote.

Voting in the affirmative, 17:

Anderson
Barnett
Bereuter
Burrows
Cavanaugh
Chambers
Dickinson
Fowler
George
Kelly
Keyes
Koch
Luedtke
Marsh
Simpson
Stull
Syas

Voting in the negative, 27:

Burbach
Carsten
Clark
Cope
DeCamp
Duis
Dworak
Fitzgerald
Hasebroock
Johnson
Kennedy
Kime
Kremer
R. Lewis
Mahoney
Maresh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Savage
Schmit
Skarda
Swigart
Warner

Not voting, 5:

Goodrich
F. Lewis
Rumery
Stoney
Wiltse

The Barnett-Anderson amendment lost with 17 ayes, 25 nays and 5 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 871A. Mr. Marvel offered the following amendment:
Add the emergency clause.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 204. E & R amendments found in the Journal on page 1247 for the Fifty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 917. E & R amendments found in the Journal on page 1248 for the Fifty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 948. E & R amendments found in the Journal on page 1253 for the Fifty-second Day were adopted.

Advanced to E & R for Engrossment.

Mr. Duis moved the Call be raised. The motion prevailed.

RESOLUTION

LEGISLATIVE RESOLUTION 145.

Introduced by Clark, 47th District.

WHEREAS, the Legislature has declared it to be the public policy of the State of Nebraska that a pattern of facilities, programs and services should be available to meet the needs of each mentally retarded person so that a mentally retarded person may have access to facilities, programs and services best suited to them throughout the life of the mentally retarded person.

WHEREAS, community-based mental retardation programs in the State of Nebraska are undergoing continued investigation of program accountability.

WHEREAS, the information supplied by the Eastern Nebraska Human Services Agency (ENHSA) in regard to the expenditure of state, federal, and local funds has received adverse publicity.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE, OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislature appoint a committee to conduct an interim study of the Eastern Nebraska Human Services Agency.
2. That the committee make a report of its findings together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

SELECTCOMMITTEE REPORT
Committee on Committees

March 22, 1976

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. J. Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Mrs. Marian Andersen – Nebraska Arts Council

Senator Savage appeared in behalf of Mrs. Andersen's reappointment. No one appeared in opposition.

Committee Vote: For: (8) Senators DeCamp, Hasebroock, Kime, Koch, Marsh, Savage, Wiltse, and Anderson. Against: None. Not voting: None. Excused: (2) Senators Clark and Duis. Absent: (4) Senators Chambers, Kelly, Keyes, and Skarda.

Mr. Richard Dugdale – Environmental Control Council

Senator Savage and Senator Hasebroock appeared in behalf of Mr. Dugdale's reappointment. No one appeared in opposition.

Committee Vote: For: (8) Senators DeCamp, Hasebroock, Kime, Koch, Marsh, Savage, Wiltse, and Anderson. Against: None. Not voting: None. Excused: (2) Senators Clark and Duis. Absent: (4) Senators Chambers, Kelly, Keyes, and Skarda.

Mr. J. R. McBride
Board of Public Roads Classifications and Standards

Senator Anderson appeared in support of Mr. McBride's reappointment. No one appeared in opposition.

Committee Vote: For: (8) Senators DeCamp, Hasebroock, Kime, Koch, Marsh, Savage, Wiltse, and Anderson. Against: None. Not voting: None. Excused: (2) Senators Clark and Duis. Absent: (4) Senators Chambers, Kelly, Keyes, and Skarda.

Mr. J. Patrick Green – Court of Industrial Relations

Senator Savage appeared in support of Mr. Green's reappointment. No one appeared in oposition.

Committee Vote: For: (8) Senators DeCamp, Hasebroock, Kime, Koch, Marsh, Savage, Wiltse and Anderson. Against: None. Not voting: None. Excused: (2) Senators Clark and Duis. Absent: (4) Senators Chambers, Kelly, Keyes, and Skarda.

Mr. Dean G. Kratz – Court of Industrial Relations

Senator Marsh, Senator Koch and Senator DeCamp appeared in support of Mr. Kratz's reappointment. No one appeared in opposition.

Committee Vote: For: (8) Senators DeCamp, Hasebroock, Kime, Koch, Marsh, Savage, Wiltse, and Anderson. Against: None. Not voting: None. Excused: (2) Senators Clark and Duis. Absent: (4) Senators Chambers, Kelly, Keyes, and Skarda.

Mr. Wayne R. Winslow
Agricultural Products Industrial Utilization Committee

Senator Savage appeared in support of Mr. Winslow's appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators DeCamp, Hasebroock, Kime, Koch, Marsh, Savage, Wiltse, and Anderson. Against: None. Not voting: None. Excused: (2) Senators Clark and Duis. Absent: (4) Senators Chambers, Kelly, Keyes, and Skarda.

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT–Change of Order

Mr. Duis asked unanimous consent to consider LB 691 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 691. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

VISITORS

The President introduced 9 twelfth grade student and 7 adults and teacher from Arcadia High School, Arcadia, Nebraska; 40 junior and senior students and adults from West Side High School, Omaha, Nebraska; 40 senior high school students and teachers from Cathedral High School, Omaha, Nebraska; 45 fifth and sixth grade students and teacher from Hill Elementary School, Lincoln, Nebraska; 40 fifth and sixth grade students and teacher from Hill Elementary School, Lincoln, Nebraska; Ron Daniel, Federal Soil Conservation Service Office, West Point, Nebraska, son-in-law of Senator Simpson.

RECESS

At 12:01 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present.

MOTION–Return LB 691 to Select File

Mr. Bereuter moved to return LB 691 to Select File for the following Marvel specific amendment:

STANDING COMMITTEE
AMENDMENTS TO LB 691 AS AMENDED

(1) On page 12, line 14, strike "4,941,305" and insert "5,362,790;" on line 15 strike "992,992" and insert "325,000;" and on line 16, strike "5,934,297" and insert "5,687,790."

(2) On page 13, line 22, strike "25,427,305" and insert "25,852,999;" on line 23 strike "992,992" and insert "325,000;" and on line 25 strike "27,435,557" and insert "27,193,963."

The motion prevailed with 32 ayes, 3 nays and 15 not voting.

SELECT FILE

LEGISLATIVE BILL 691. The Marvel specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Withdraw Motion

Mr. F. Lewis asked unanimous consent to withdraw his pending motion found in the Journal on page 1239 to return LB 691 to Select File for his specific amendment. No objections. So ordered.

MOTION—Return LB 691 to Select File

Mr. Keyes moved to return LB 691 to Select File for the following specific amendment:

AMENDMENT TO LB 691, AS AMENDED

In the white copy, page 66, after line 16 insert the following:

"Sec. 76. There is hereby appropriated five hundred thousand dollars from the state General Fund for the purpose of undertaking a comprehensive performance audit of the University of Nebraska system by the office of the State Auditor of Public Accounts.

The intent of this appropriation is to initiate, over a period of not less than three nor more than five years, an audit of the functions of the University of Nebraska system to determine how well such functions are performed and to provide a better understanding of the largest state agency. The University of Nebraska shall extend full cooperation to the Auditor of Public Accounts. The auditor shall provide frequent progress reports to the Legislature's Appropriations Committee.".

2. Renumber sections 76 to 86 as sections 77 to 87, respectively.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 6 nays and 16 not voting.

The Keyes motion to return prevailed with 26 ayes, 11 nays and 12 not voting.

SELECT FILE

LEGISLATIVE BILL 691. The Keyes specific amendment found in this day's Journal lost with 13 ayes, 23 nays and 13 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 691 to Select File

Mr. Rumery moved to return LB 691 to Select File for the following specific amendment:

LB 691

AMENDMENT TO STANDING COMMITTEE AMENDMENT

(1) On page 6, line 26, strike "56,320,562" and insert "71,320,562".

(2) On page 7, line 1, strike "66,951,092" and insert "81,951,092"; and on line 3, strike "45,000,000" and insert "50,000,000"; and on line 5, strike "10,000,000" and insert "20,000,000".

(3) On page 10, line 15, strike "73,403,334" and insert "88,403,334"; and on line 19 strike "115,548,827" and insert "130,548,827".

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 18 nays and 15 not voting.

Mr. Warner requested a record vote on the Rumery motion to return LB 691.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 10 nays and 10 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 27 ayes, 9 nays and 13 not voting.

The Call showed 49 members present.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 23:

Barnett	Cavanaugh	Cope	Dickinson	Fitzgerald
Fowler	George	Goodrich	Johnson	Keyes
Kime	Koch	F. Lewis	Luedtke	Marsh
Nichol	Rasmussen	Rumery	Simpson	Skarda
Stoney	Stull	Warner		

Voting in the negative, 25:

Anderson	Bereuter	Burbach	Burrows	Carsten
Chambers	Clark	DeCamp	Duis	Dworak
Hasebroock	Kelly	Kennedy	Kremer	R. Lewis
Mahoney	Maresh	Marvel	Mills	Moylan
Savage	Schmit	Swigart	Syas	Wiltse

Not voting, 1:

Murphy

The Rumery motion to return LB 691 lost with 23 ayes, 25 nays and 1 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed.

MOTION—Return LB 691 to Select File

Mr. Cavanaugh moved to return LB 691 to Select File for the following specific amendment:

AMENDMENT TO STANDING COMMITTEE AMENDMENT TO LB 691

(1) On page 26, after line 8, insert:

"Crippled Children Services shall utilize the same policy as the Medicaid program in the payment of professional fees. This policy shall make payments without regard to the facility in which the service was performed or provider who performed the service. A report shall be submitted to Executive Board of the Legislature by February 1, 1977, which identifies the total amount of professional fee payments made to physicians for services provided in teaching hospitals during the period July 1, 1976, through December 31, 1976".

MR. MAHONEY PRESIDING

Speaker Burbach moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays and 15 not voting.

Mr. Cavanaugh asked unanimous consent to withdraw his motion to return LB 691. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 434. Mr. Cavanaugh renewed his pending amendment found in the Journal on page 1258 for the Fifty-second Day.

PRESIDENT WHELAN PRESIDING

Mr. Schmit took exception to the accusation of Mr. Cavanaugh on the floor and asked the Chair to call him to order.

The Chair asked Mr. Cavanaugh to refrain from any further accusations.

Mr. Cavanaugh requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Bereuter
Burrows
Cavanaugh
Chambers
Dworak
Kelly
F. Lewis
Luedtke
Mills
Nichol

Voting in the negative, 34:

Barnett
Carsten
Cope
DeCamp
Dickinson
Duis
Fowler
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Not voting, 5:

Anderson
Burbach
Clark
Fitzgerald
George

The Cavanaugh amendment lost with 10 ayes, 34 nays and 5 not voting.

Mr. R. Lewis moved to suspend the rules, Rule 7, Sec. 3(b); Rule 7, Sec. 3(e), to allow a vote on Sec. 21 thru Sec. 57 of the Schmit amendment in one vote. The motion prevailed with 32 ayes, 1 nay and 16 not voting.

Mr. Schmit moved the adoption of Secs. 21 thru 57 of his amendments.

Mr. Murphy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays and 19 not voting.

Secs. 21 thru 57 of the Schmit amendments were adopted with 33 ayes, 2 nays and 15 not voting.

The Schmit amendments 1 and 2, found in the Journal on page 1240 for the Fifty-second Day were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Burrows offered the following amendment (2):

AMENDMENT TO AMENDMENT TO LB 434

1. Insert new section as follows:

"Sec. 56. (1) If any patient shall elect not to come under the provisions of this act, such election shall not relieve a health care provider from performing or furnishing the necessary health care or treatment.

(2) If any health care provider fails to provide a patient with health care because of such patient's election not to come under the provisions of this act, and such patient dies as a result of such failure to act, the health care provider shall be guilty of manslaughter and shall, upon conviction thereof, be imprisoned in the Nebraska Penal and Correctional Complex for not less than one year nor more than ten years."

2. Renumber remaining sections accordingly.

Mr. Duis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays and 21 not voting.

The amendment lost with 3 ayes, 21 nays and 25 not voting.

Mr. Burrows offered the following amendment (3):

AMENDMENT TO AMENDMENT TO LB 434

1. Insert new section as follows:

"Sec. 57. In order to provide individuals with the same personal liability protections as section 25 of this act provides health care providers, no person shall be personally liable to another person in an amount greater than five hundred thousand dollars."

2. Renumber remaining sections accordingly.

The amendment lost with 8 ayes, 19 nays and 22 not voting.

Mr. Chambers offered the following amendment (5):

To amend Schmit amendment to LB 434 – Section 25
Strike subsection (4)

Mr. Schmit offered the following amendment to the Chambers amendment, (16):

AMENDMENT TO SCHMIT AMENDMENTS
TO LB 434 (Req. No. 2704)

1. Page 11, line 8, strike "Any amount recovered for future"; strike lines 9 and 10; strike lines 24 through 27.

2. Page 12, strike lines 1 through 10.

3. Page 20, line 8, strike "In approving any"; strike lines 9 through 17.

The Schmit amendment was adopted with 26 ayes, 0 nays and 23 not voting.

The Chambers amendment, as amended, was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Schmit offered the following amendments (19)

AMENDMENT TO SCHMIT AMENDMENT
TO LB 434 (Req. No. 2704)

1. Page 34, strike lines 1 through 25.

Amendment to Schmit Amendment to LB 434 (Req. No. 2704) (14)

1. On page 20, strike lines 23 through 27 and on page 21 strike lines 1 through 9 and insert the following:

Sec. 34 (1) In all cases against a health care provider for malpractice or professional negligence, upon motion of either party the court shall review the attorney's fees incurred by that party and allow such compensation as the court shall deem reasonable.

(2) In all cases against health care providers for malpractice or professional negligence, the court may in its discretion and in an amount determined in its discretion tax as costs payable to the prevailing party the reasonable costs of preparation and trial including reasonable attorney's fees and the reasonable loss of earnings by the prevailing party occasioned by the trial.

2. On page 21 line 10, strike "(2)" and insert "(3)".

The amendments were adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Chambers offered the following amendment (8):

4. SECTION 45

Page 33, line 24; STRIKE "equally by each side"; INSERT; "from the Excess Liability Fund."

Page 33, line 25; After "trial" INSERT "to testify regarding anything contained in the panel report"

Page 33, line 27; STRIKE "by the party calling him"; INSERT "from the Excess Liability Fund"

The amendment lost with 4 ayes, 18 nays and 27 not voting.

Mr. Chambers offered the following amendment (9):
3. SECTION 44
Page 33, line 11; STRIKE "at his cost".

The amendment was adopted with 26 ayes, 1 nay and 22 not voting.

Mr. Chambers offered the following amendment (10):
2. SECTION 33
Page 18, line 26; STRIKE "at least ten days before filing".

The amendment lost with 9 ayes, 20 nays and 20 not voting.

Mr. Cavanaugh offered the following amendment (12):

Amend LB 434 of the Schmit amendment Pg 9 Line 15 add New Sec 22 to read as follows:

No Health Care provider shall refuse to provide any professional Medical Service on the basis that any person has elected not to be covered under the terms of this act.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 15:

Anderson Bereuter Burrows Cavanaugh Chambers
Dworak Fitzgerald Fowler Kelly F. Lewis
R. Lewis Luedtke Marvel Mills Moylan

Voting in the negative, 30:

Barnett Burbach Carsten Clark Cope
DeCamp Dickinson Goodrich Hasebroock Johnson
Kennedy Keyes Kime Kremer Mahoney
Maresh Marsh Murphy Rasmussen Rumery
Savage Schmit Simpson Skarda Stoney
Stull Swigart Syas Warner Wiltse

Not voting, 4:

Duis George Koch Nichol

The Cavanaugh amendment lost with 15 ayes, 30 nays and 4 not voting.

Mr. Schmit offered the following amendment (15):
AMENDMENT TO SCHMIT AMENDMENT TO LB 434 (Req. No. 2704)

1. Page 13, strike lines 24 through 27 and on page 14, strike lines 1 through 12 and insert the following:

Sec. 28. Any action to recover damages based on alleged malpractice or professional negligence or upon alleged breach of warranty in rendering or failing to render professional services shall be commenced within two years next after the alleged act or omission in rendering or failing to render professional services providing the basis for such action, except that if the cause of action is not discovered and could not be reasonably discovered within such two-year period, the action may be commenced within one year from the date of such discovery or from the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier. In no event may any action be commenced to recover damages for malpractice or professional negligence or breach of warranty in rendering or failing to render professional services more than six years after the date of rendering or failing to render such professional service which provides the basis for the cause of action.

The amendment was adopted with 37 ayes, 1 nay and 11 not voting.

Mr. Schmit offered the following amendment (17):

Amendment to Schmit Amendment to L. B. 434 (Req. No. 2704)

1. Page 29, line 12 after "panelist." insert "If multiple plaintiffs or defendants are unable to agree on a physician panelist or"; strike "If" and insert "if".

2. Page 32 strike lines 12 through 15.

3. Page 32, line 21 add after period "If requested, a minority report shall be provided to any party."

The amendment was adopted with 32 ayes, 0 nays and 17 not voting.

Mr. Schmit offered the following amendment (18):

1. Page 9, line 14 after the period insert a new sentence to read as follows: "The patient or his representative may revoke the election in writing at anytime and a copy of such revocation shall be forwarded to the director within 5 days after the same is made."

The amendment was adopted with 26 ayes, 2 nays and 21 not voting.

Mr. Luedtke offered the following amendment (22):

Strike Schmit amendment (14) on page 1281 and insert:

1. On page 20, strike lines 23 through 27 and on page 21 strike lines 1 through 9 and insert the following:

Sec. 34 (1) In all cases against a health care provider for malpractice or professional negligence, upon motion of either party the court shall review the attorney's fees incurred by that party and allow such compensation as the court shall deem reasonable.

(2) In all cases against health care providers for malpractice or professional negligence, the court may upon application by prevailing party in its discretion and in an amount determined in its discretion tax as costs payable to the prevailing party the reasonable costs of preparation and trial including reasonable attorney's fees and the reasonable loss of earnings by the prevailing party occasioned by the trial if the court finds that the losing party did not have a reasonable chance of recovery or a reasonable chance of a successful defense.

2. On page 21 line 10, strike "(2)" and insert "(3)".

The amendment was adopted with 26 ayes, 3 nays and 20 not voting.

Mr. Chambers offered the following amendment (23):
Sec. 45 Page 33, line 27
STRIKE: "BY THE PARTY CALLING HIM".

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Mr. DeCamp offered the following amendment (24):
1. Page 33, line 7, after "report" insert
"or any minority report".

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Messrs. Skarda, Mahoney and F. Lewis asked unanimous consent to be excused. No objections. So ordered.

Mr. Dworak offered the following amendment (25):
Amendment to Schmit Amendments to L.B. 434 (Req. No. 2704)

1. Page 4, strike lines 1 through 5; line 12 strike "the authority or"; strike lines 15 through 17.
2. Page 13, line 10 strike "pursuant to sections 36 to 38 of this act or".
3. Page 15, lines 2 and 3 strike "or sections 36 to 38 of this act"; lines 7 and 8 strike "and any primary insurance premiums due under 36 to 38 of this act"; line 13 after "concerned" insert a period and strike the remainder of line 13; strike lines 14 through 18; line 19 strike "or premiums"; strike line 20.
4. Page 17, strike lines 22 through 25.
5. Page 18, strike lines 4 through 9.
6. Page 21, line 20 strike "or risk manager".
7. Pages 24, 25, 26 and 27, strike sections 37, 38 and 39.
8. Renumber the sections accordingly.

Mr. Dworak moved for a Call of the House. The motion lost with 12 ayes, 20 nays and 17 not voting.

Mr. Dworak requested a roll call vote.

Voting in the affirmative, 21:

Anderson
Bereuter
Burrows
Cavanaugh
Chambers
Clark
Cope
Duis
Dworak
Fowler
Kelly
R. Lewis
Luedtke
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Savage
Simpson

Voting in the negative, 22:

Barnett
Burbach
Carsten
DeCamp
Fitzgerald
Hasebroock
Johnson
Kennedy
Keyes
Kime
Koch
Kremer
Maresh
Rasmussen
Rumery
Schmit
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Not voting, 6:

Dickinson
George
Goodrich
F. Lewis
Mahoney
Skarda

The amendment lost with 21 ayes, 22 nays and 6 not voting.

Mr. Carsten asked unanimous consent to be excused. No objections. So ordered.

Mr. Dworak offered the following amendment (20):

Amendment to Schmit Amendments to L.B. 434 (Req. No. 2704)

1. Page 10, line 14 strike "one hundred" and insert "two hundred fifty"; line 17 strike "three" and insert "five".
2. Page 11, line 7 strike "five hundred" and insert "seven hundred fifty"; line 14 strike "one hundred" and insert "two hundred fifty"; line 18 strike "five hundred" and insert "seven hundred fifty"; strike lines 24 thru 27.
3. Page 17, lines 15 and 19, strike "one hundred" and insert "two hundred fifty"; line 27 strike "four" and insert "five hundred".
4. Page 18, line 3 strike "five hundred" and insert "seven hundred fifty"; lines 7 and 13 strike "one hundred" and insert "two hundred fifty".
5. Page 19, lines 26 and 27 strike "one hundred" and insert "two hundred fifty".

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay and 22 not voting.

The Dworak amendment lost with 12 ayes, 21 nays and 16 not voting.

Mr. Dworak offered the following amendment (21):

Amendment to Schmit Amendment to L.B. 434 (Req. No. 2704)

1. Page 11, line 1 strike "assessed by" and insert "and any assessments imposed pursuant to".
2. Page 16, line 16 after "final" insert "and such claims shall be paid on or before January 15" and strike "Subject to the"; strike lines 17 through 23 and insert a new subsection to read as follows:

> (2) At any time the director may determine that the amount in the fund is inadequate to pay in full all claims allowed or to be allowed during the calendar year and upon such determination shall assess all health care providers who have qualified under the act pursuant to section 24 an amount sufficient to permit full payment of all claims allowed against the fund during a calendar year. Such assessment shall be levied in an equal amount against all health care providers who have qualified pursuant to this act and shall be due and payable by the health care provider within 30 days following the levy of such assessments.

3. Page 16, line 24 strike "(2)" and insert "(3)".

Mr. Dworak requested a roll call vote.

Voting in the affirmative, 20:

Anderson
Bereuter
Burrows
Cavanaugh
Chambers
Clark
Dickinson
Dworak
Fitzgerald
Fowler
Goodrich
Kelly
R. Lewis
Luedtke
Marvel
Mills
Moylan
Simpson
Stoney
Stull

Voting in the negative, 21:

Burbach
Cope
George
Hasebroock
Johnson
Kennedy
Keyes
Kime
Koch
Kremer
Maresh
Marsh
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Swigart
Warner
Wiltse

Not voting, 8:

Barnett
Carsten
DeCamp
Duis
F. Lewis
Mahoney
Skarda
Syas

The amendment lost with 20 ayes, 21 nays and 8 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendments to LB 1006 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 1006

1. On page 10, strike the new matter in lines 17 to 22; and at the end of line 25 insert "~~Third, any unexpended balances existing on June 30, 1976, in the State Office Building at Omaha Fund are hereby~~

~~reappropriated for the development of a program statement~~;".

2. Insert three new sections to read:

"Sec. 7. That section 21, Legislative Bill 1004, Eighty-fourth Legislature, Second Session, 1976, be amended to read as follows:

Sec. 21. Program No. 991 904. The ~~University of Nebraska Systems Office~~ Department of Administrative Services is hereby directed to develop a definitive program statement for the ~~Downtown Education Center at the University of Nebraska at~~ downtown education center and office building in Omaha. There is hereby appropriated $15,000 from the State Building Fund for the fiscal year ending June 30, 1977, to complete the program statement.

Such program statement shall consider the feasibility of necessary commitments to retire general obligation bonds of the city of Omaha and present a schedule for repayment. The considerations shall include general obligation bonds and private donations of at least $5,000,000 to be used to fund the project.

Such program statement shall meet the requirements of acceptability as established by the state building division of the Department of Administrative Services. Such program statement shall not be construed to imply any obligation for future funding recommendations by the Governor or the Legislature.

Sec. 8. That section 32, Legislative Bill 1004, Eighty-fourth Legislature, Second Session, 1976, be amended to read as follows:

Sec. 32. There is hereby reappropriated for the period of July 1, 1976, to June 30, 1977, from the unexpended and unencumbered appropriations balance existing on June 30, 1976, to each agency for each program from the respective funds for capital construction as follows:

(1) Agency No. 13 -- State Department of Education

Program 906.

(2) Agency No. 25 -- Department of Public Institutions

Programs 952, 960, 963, 964, 980, 981, 982, 983, 984, 986, 987, 988, and 989.

The unexpended and unencumbered appropriation balance existing on June 30, 1976, in the Nebraska Veterans' Home Building Fund is hereby reappropriated.

(3) Agency No. 26 -- Department of Public Welfare

Programs 911 and 912.

(4) Agency No. 27 -- Department of Roads

Program 901.

(5) Agency No. 31 -- Military Department

Program 901.

(6) Agency No. 33 -- Game and Parks Commission

Programs 919, 931, 936, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 980, and 981. Program 974 is hereby redesignated for Fort Robinson program statement.

Program 919 consists of a consolidation of programs 901, 902, 903, 905, 918, 979, and 919.

Program 967 consists of a consolidation of programs 900 and 967.

Program 969 consists of a consolidation of programs 932 and 969.

(7) Agency No. 46 -- Department of Correctional Services

Programs 903, 905, 906, 908, 909, 911, and 914.

Program 914 consists of a consolidation of programs 974 and 975 of Agency No. 25 -- Department of Public Institutions.

(8) Agency No. 49 -- Board of Trustees, Nebraska State Colleges

Program 901.

Program 901 consists of program 901 of Agency No. 49 -- Board of Trustees and programs 901, 902, 904, 909, and 910 of Agency No. 50 -- Nebraska State Colleges.

(9) Agency No. 50 -- Nebraska State Colleges

Programs 903 and 912.

(10) Agency No, 51 -- University of Nebraska

Programs 908, 913, 915, 922, 928, 943, 947, 950, 958, 973, 976, 978, 981, 984, 990,~~991,~~ 993, 994, and 998.

Program 947 is a consolidation of programs 946 and 947.

Program 978 is a consolidation of programs 979 and 978.

Program 981 is a consolidation of programs 982 and 981.

Program 984 is a consolidation of programs 944, 988, and 984.

Program 994 is a consolidation of programs 995 and 994.

The total project cost of program 958 is hereby increased to include utility expenditures for buildings serviced by the central utility plant.

(11) Agency No. 52 -- State Board of Agriculture

Programs 911, 913, and 918.

(12) Agency No. 54 -- Nebraska State Historical Society

Programs 903, 904, 906, and 908.

(13) Agency No. 65 -- Department of Administrative Services

Programs 900, 902, 904, and 912.

(14) Agency No. 72 -- Department of Economic Development

Program 900.

Program 900 consists of programs 902 and 900 of Agency No. 72 -- Department of Economic Development.

All fund appropriations for capital construction existing on June 30, 1976, in excess of expended and encumbered amounts and not otherwise reappropriated are hereby lapsed to the respective funds, unless otherwise expressly provided. All encumbered amounts on June 30, 1976, are hereby reappropriated for the period July 1, 1976, to June 30, 1977, which amounts shall be in addition to the amounts reappropriated in this section.

Sec. 9. The appropriation for the fiscal year ending June 30, 1977, made by section 64, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, is hereby lapsed to the General Fund.".

3. Renumber original sections 7 to 9 as sections 10 to 12.

4. On page 13, line 23, strike "and"; and in line 26 insert "and sections 21 and 32, Legislative Bill 1004, Eighty-fourth Legislature, Second Session, 1976," after the second comma.

Mr. Cavanaugh asked unanimous consent to print the following amendments to LB 313 in the Journal. No objections. So ordered.

Amendments to LB 313 (White Copy)

1. Strike Section 12 and insert the following:

Each sanitary and improvement district shall, upon request, make available to members of the general public and to real estate salesmen and brokers the most recent statement on file as provided by Section 10 of this Act, and a statement updated each August 31st containing the names of the current board of trustees of the district, the warrant and the bond principal indebtedness of the district as of the preceding June 30th, and the current mill levy of the district. The real estate broker or salesman or, if none, the owner, shall, when reasonably possible, distribute such statements to any prospective purchaser of any real estate located within a sanitary and improvement district. Prior to the conveyance of fee title ownership to any real estate located within a sanitary and improvement district, the real estate broker or salesman, or, if none, the owner, shall provide the grantee such statements. The exclusive remedy for failure to provide such statements prior to conveyance of fee title ownership shall be an action for damages, and any such failure shall not affect title to said real estate or the validity of said conveyance. The measure of damages shall be the difference between the actual value of the property at the time of the conveyance with the disclosures contained in the statements, and the value of the property at the time of the conveyance without the disclosures contained in the statements.

2. Add a new section 14 as follows:

Section 14. That section 31-735, Revised Statutes Supplement, 1974, be amended to read as follows:

31-735. ~~At such time as the board of trustees shall designate, which time shall be not more than twelve months after the judgment of the district court creating said district, and each two years thereafter, the board of trustees shall cause an election to be held, at which election a board of trustees of five in number shall be elected.~~ On the first Tuesday in September which is at least fifteen months after the judgment of the district court creating a sanitary and improvement district, and on the first Tuesday in September each two years thereafter, the board of trustees shall cause a special election to be held, at which election a board of trustees of five in number shall be elected. Each member elected to the board of trustees shall be elected to a term of two years and shall hold office until such member's successor is elected and qualified. The term of office of an elected trustee on the effective date of this act, and a trustee appointed to fill the unexpired term of such elected trustee, shall be extended to the first Tuesday in September immediately following the date on which such term would otherwise have expired. Any person desiring to file for office of trustee may file for such office with the county clerk, or election commissioner in counties having election commissioners, of the county in which the greater proportion in area of the district is located, not later than thirty days before the election. No filing fee shall be required. The nameof a person may be written in and voted for as a candidate for the office of trustee, and such write-in candidate may be elected to the office of trustee. Such trustees shall be owners of real estate located in the district. The election shall be conducted at a location or place within the boundaries of the district unless there is no building within the district or all of the owners of the district shall consent to an election outside the district, and the polling place shall remain open to the voters for not less than four consecutive hours between 8:00 a.m. and 8:00 p.m. of the date of election. ~~Notice of such election shall be given by the clerk of said board by written notice addressed to each owner of real estate located in the district and mailed to his last known post office address, at least fifteen days prior to said election.~~ Notice of the time and place of the election shall be mailed by the clerk of the district at least forty-five days prior to the election to each person who is entitled to vote at the election for trustees whose property ownership or lease giving a right to vote is of record on the records of the register of deeds as of a date designated by the board of trustees which shall be not more than fifty days prior to the election. Persons whose ownership or right to vote becomes of record or is received after such date may vote upon establishing their right to vote to the satisfaction of the election board. ~~Said~~ Such notice shall state the time, place and purpose of ~~said meeting~~ the election. Any person may cast one vote for each trustee for each acre of unplatted land or fraction thereof and one vote for each platted lot which he may own in the district. At the election held six years after the first election of trustees ~~and at each election held thereafter,~~ two members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district, and three members shall be elected by all of the owners of real estate located in the district pursuant to this section. At the election held eight years after the first election of trustees, three members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district, and two members shall be elected by all of the owners of real estate located in the district pursuant to this section. If there are not any legal property owners resident within such district the five members shall be elected by the legal property owners of all property within such district as provided in this section. Each legal property owner resident within such sanitary and improvement district may cast one vote for each of the ~~two~~ trustees such resident owners are entitled to elect and for the ~~three~~ remaining members each owner ~~such owners~~ may cast one vote for each trustee for each acre of unplatted land or fraction thereof and one vote for each platted lot which he may own in the district. Any corporation, public, private, or municipal, owning any land or lot in the district, may vote at such election the same as an individual. For purposes of voting for trustees, each condominium apartment under a condominium property regime established under the Condominium Property Act shall be deemed to be a platted lot and the lessee, or the owner of the lessee's interest, under any lease for an initial term of not less than twenty years which requires the lessee to pay taxes and special assessments levied on the leased property, shall be deemed to be the owner of the property so leased and entitled to cast the vote of such property. The executor, administrator, guardian, or trustee of any person or estate interested shall have the right to vote. No corporation, estate, or trust shall be deemed to be a resident owner for purposes of voting for trustees. Should two or more persons or officials claim the right to vote on the same tract, the ~~board of trustees~~ election board shall determine the party entitled to vote. Such board shall select one of their number chairman and one of their number clerk. In case of a vacancy on said board the remaining trustees shall fill the vacancy on said board until the next election.

3. Add a new section 15 as follows:

Section 15. At any election held to elect trustees of a sanitary and improvement district, the ballots shall be received, counted, and canvassed by an election board of two persons appointed by the election commissioner, or the county clerk in counties having no election commission. The election board members shall be paid, by the district, three dollars per hour for each hour worked. The district shall furnish ballots for the election, and such ballots shall be in form approved by the election commissioner or county clerk.

4. Add a new section 16 as follows:

Section 16. The county clerk or election commissioner shall certify the results of the election to the district. Upon completion of the canvass, the county clerk or election commissioner shall turn all supplies, ballots, and books over to the district for which the election was held.

5. Add a new section 17 as follows:

Section 17. When any election shall be contested the provisions of sections 32-1001 to 32-1001.32 shall apply.

6. Renumber section 14 to section 18 and amend as follows:

Section 18. That original sections 31-734, 31-751, 31-753, 31-764, and 77-1917.01, Reissue Revised Statutes of Nebraska, 1943, section 31,727, 31-735, 31-740, 31-744, and 31-749, Revised Statutes Supplement, 1974, and section 31-755, Revised Statutes Supplement, 1975, are repealed.

SELECT FILE

LEGISLATIVE BILL 434. Mr. Chambers moved to indefinitely postpone.

The Chair ruled the motion would be laid over according to the rules.

Mr. Warner moved to suspend the rules, Rule 7, Sec. 3(A) a. and consider the motion today. The motion prevailed with 31 ayes, 4 nays and 14 not voting.

Mr. Warner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays and 15 not voting.

Mr. Chambers asked unanimous consent to withdraw his motion to indefinitely postpone. No objections. So ordered.

Mr. Warner moved that under Rule 2, Section 1 the following procedure on LB 434, that a vote to advance from Select File to E & R for Engrossing be taken up at 7:30 p.m.

The Chair ruled the motion out of order. Mr. Warner appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 22 ayes, 12 nays and 15 not voting.

Mr. Schmit moved that LB 434 as amended be advanced to E & R final.

The Chair ruled the motion out of order at this time.

Mr. Schmit appealed the decision of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 23 ayes, 15 nays and 11 not voting.

Mr. Chambers moved to bracket LB 434 until March 23.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays and 19 not voting.

The Chambers motion to bracket lost with 4 ayes, 28 nays and 17 not voting.

Mr. Chambers moved to recommit LB 434 to a Committee. The motion lost with 2 ayes, 27 nays and 20 not voting.

Mr. Schmit moved to suspend the rules, Rule 7, Sec. 3e, Rule 7, Sec. 4b, to take up a motion to advance LB 434 to E & R Final.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 3 nays and 15 not voting.

The Schmit motion to suspend the rules prevailed with 31 ayes, 3 nays and 15 not voting.

Mr. Schmit moved to advance to E & R Final.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 3 nays and 14 not voting.

Advanced to E & R for Engrossment with 34 ayes, 4 nays and 11 not voting.

UNANIMOUS CONSENT–Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LB 989 in the Journal. No objections. So ordered.

Amendment to Standing Committee Amendment to LB 989

(1) On line 18 of the Standing Committee Amendment, strike "4 through 7"; on line 20, strike "10" and insert "5 through 9, and 16" before "through 21."

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 691. Replaced on Select File as amended.
E & R amendment to LB 691:

1. In lieu of the Marvel amendments adopted 3/22, in committee amendments as amended, page 12, line 14, strike "4,977,644" and insert "5,399,129"; in line 15 strike "992,992" and insert "325,000"; and in line 16 strike "5,970,636" and insert "5,724,129"; and on page 13, line 22 strike "25,467,853"

and insert "25,889,338"; in line 23 strike "992,992" and insert "325,000"; and in line 25 strike "27,476,809" and insert "27,230,302".

LEGISLATIVE BILL 871. Replaced on Select File as amended.
E & R amendment to LB 871:
1. In the last line of E & R 1, strike "section 2" and insert "section 3".

(Signed) Donald N. Dworak, Chairman

VISITORS

The President introduced sophomore and junior members of the Northwestern College, Orange City, Iowa.

ADJOURNMENT

At 7:36 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, March 23, 1976.

Vincent D. Brown
Clerk of the Legislature

FIFTY-FOURTH DAY—MARCH 23, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 23, 1976

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Father Eugene Pappas, Archimandrite of Greek Orthodox Church, Omaha, Nebraska.

Father Pappas was accompanied by Father Peter Messires, Pastor of Orthodox Church of Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

Page 1261, line 4, delete "Placed" and insert "Replaced".
Page 1264, line 7, correct spelling of "dollars".
The Journal for the Fifty-third Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 674, 674A, and 797.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 674, 674A, and 797.

RESOLUTIONS

LEGISLATIVE RESOLUTION 146.

Introduced by Judiciary Committee: Luedtke, 28th District, Chairman; Anderson, 37th District; DeCamp, 40th District; Nichol, 48th District; Syas, 13th District; Barnett, 26th District.

WHEREAS, criminal activity is costly to all citizens in terms of property loss, loss of life or injury; and

WHEREAS, it is a valued ideal to be able to provide victims of crime with such restitution or reparation as their loss may require; and

WHEREAS, these persons who commit criminal acts should be required to repay or in other terms provide restitution to those specific persons effected by such actions where identifiable; and

WHEREAS, any system which suggests restitution or repayment to victims of crime as well as providing an opportunity to those who commit criminal acts to make direct restitution for their misdeeds requires a carefully detailed and coordinated administration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Judiciary Committee conduct an interim study of plans offered for implementation in Nebraska for the compensation of crime victims as well as providing convicted criminals the opportunity to provide direct compensation to the victims of their acts.
2. That such study shall include, but not be limited to, legislation concerning this subject offered for consideration in the 1976 regular session of the Legislature.
3. That such study shall have as its purpose the development of a workable system to accomplish the ends of compensating crime victims and permitting criminals to provide such compensation directly where possible.
4. That the committee examine the various sources of funding the establishment and administration of such a system including availability of Federal funds.
5. That the committee make a report of its findings together with its recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 147.

Introduced by Judiciary Committee: Luedtke, 28th District, Chairman; Anderson, 37th District; DeCamp, 40th District; Nichol, 48th District; Syas, 13th District; Barnett, 26th District.

WHEREAS, the laws of Nebraska contain provisions relating to divorce and dissolution of marriage; and

WHEREAS, these laws contain provisions relating to matters of division of property and continuing payments for support and other purposes by one party to another after dissolution of a marriage; and

WHEREAS, it is in the public interest to be certain that such provisions treat all persons related to the dissolution of a marriage fairly and equitably.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Judiciary Committee conduct an interim study of Nebraska's no fault divorce law.
2. That such study shall include, but not be limited to compiling statistics relating to income and other factors which may effect the ability of a noncustodial parent to make child support and other payments as may be required.
3. That the committee make a report of its findings together with its recommendations for possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 148.

Introduced by Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Anderson, 37th District; Nichol, 48th District; Barnett, 26th District.

WHEREAS, the training of law enforcement officers in Nebraska should be of the highest possible quality; and

WHEREAS, the administration of any program of instruction in law enforcement should be well suited to the requirement of the task at hand; and

WHEREAS, a continued review of the administration of instruction programs in law enforcement in such institutions as training academy at Grand Island, Nebraska may serve to improve the quality of such training.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Judiciary Committee conduct an interim study of the administration of the law enforcement training academy at Grand Island, Nebraska.
2. That such study shall focus on the advisability and workability of transfering or relocating the administrative function of the academy to the State Patrol or some other suitable agency.
3. That the committee make a report of its findings together with its recommendations for possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 149.

Introduced by Luedtke, 28th District.

WHEREAS, modern techniques of medicine have been developed to a state which permits an ability to support or sustain biological life long after the ability to enjoy the gift of life has passed from the patient so treated; and

WHEREAS, many persons now exhibit concern about who may make critical determinations to support the life functions of a human being, or let them cease; and

WHEREAS, many complex legal questions are raised by recognizing or establishing the right of an individual or his family to permit a death which could otherwise be postponed by the art of medicine.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Judiciary Committee conduct an interim study focusing on the question of a legal right to die.
2. That the committee consider legislation proposed in other states as well as information provided by any other interested group or individual.
3. That the committee make a report of its findings together with any recommendations for possible legislative activity to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 150.

Introduced by Luedtke, 28th District.

WHEREAS, it is suspected that many laws of Nebraska do, or are intended to discriminate against a portion of the state's citizenry on the basis of sex; and

WHEREAS, such laws should receive a comprehensive review and analysis with a view toward future change; and

WHEREAS, the process of seeking out such laws is one which requires a substantial amount of time and careful scrutiny.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee working closely with the Nebraska Commission on the Status of Women and other interested individuals conduct an intensive study to be funded by the Legislature, of all laws of Nebraska which may be discriminatory on the basis of sex.
2. That the Judiciary Committee prepare recommendations for the

proposed legislation to rewrite such laws in a nondiscriminatory form and present such recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 151.

Introduced by Public Health and Welfare Committee: Kennedy, 21st District, Chairman; R. Lewis, 38th District; Kelly, 35th District; Cavanaugh, 9th District; Maresh, 32nd District; Fowler, 27th District; Moylan, 6th District.

WHEREAS, it is in the public interest to provide for more effective emergency medical care by ambulance and rescue unit personnel in cases of accidents or illnesses; and

WHEREAS, a training program for persons to be known as Emergency Medical Technician-Advanced would provide for more professionally-trained personnel to deliver fast and efficient emergency medical care; and

WHEREAS, such trained personnel could, in addition to rendering ordinary emergency care, perform other more technical procedures such as administering intravenous solutions, throat or stomach suction, parenteral injections, or cardiac defibrillation, when in direct or voice contact with a physician or authorized registered nurse; and

WHEREAS, the performance of such procedures by emergency care personnel would help to save lives, especially in those areas where hospitals are far apart and extended times are required to transport the sick or injured; and

WHEREAS, many paramedics are now trained to perform these procedures but cannot do so under present law; and a training and licensing program for Emergency Medical Technician-Advanced would provide for an enlarged reservoir of such personnel; and

WHEREAS, LB 1003 was introduced during the 1976 session to set up a program of this type, and was reported to the floor, but too late in the session for further consideration.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee conduct a study of the need for a training and licensing program for Emergency Medical Technician-Advanced, and the type of statutory provisions under which it should be established.
2. That at the conclusion of its study the Committee report to the Legislature its findings and recommendations for legislation to be considered during the 1977 legislative session.

Referred to the Executive Board.

MOTION—Override Line-Item Veto on LB 752

Mr. F. Lewis renewed his pending motion found in the Journal on page 1239 for the Fifty-second Day to override the Governor's line-item veto on LB 752.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 41:

Anderson
Barnett
Bereuter
Burbach
Carsten
Cavanaugh
Chambers
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Keyes
Koch
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Stoney
Stull
Syas
Warner
Wiltse

Voting in the negative, 3:

Clark
Kennedy
Skarda

Not voting, 5:

Burrows
George
Kime
R. Lewis
Swigart

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

GENERAL FILE

LEGISLATIVE BILL 972. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1048 for the Forty-fifth Day were considered.

Mr. Marvel renewed his pending amendment (3), to the Standing Committee amendment, found in the Journal on page 1189 for the Fiftieth Day.

The amendment was adopted with 32 ayes, 0 nays and 17 not voting.

MR. MAHONEY PRESIDING

Standing Committee amendment No. 1, pages 1 through 6 was adopted, as amended, with 30 ayes, 0 nays and 19 not voting.

Standing Committee amendment No. 2 and 3, page 7, was adopted with 27 ayes, 0 nays and 22 not voting.

Standing Committee amendment No. 4, page 7 was adopted with 28 ayes, 0 nays and 21 not voting.

Standing Committee amendment No. 5, page 7 through page 9 line 2, was adopted with 30 ayes, 0 nays and 19 not voting.

Standing Committee amendment page 9, lines 3 – 19 was adopted with 30 ayes, 0 nays and 19 not voting.

Standing Committee amendment page 9, line 20 through page 11 line 10 was adopted with 31 ayes, 0 nays and 18 not voting.

Mr. Marvel renewed his pending amendment (1) found in the Journal on page 1187 for the Fiftieth Day to the Standing Committee amendment.

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Standing Committee amendment page 11, line 11 through page 19, line 1 was adopted, as amended, with 29 ayes, 0 nays and 20 not voting.

Standing Committee amendment page 19, line 2 through page 36, line 13 was adopted with 30 ayes, 0 nays and 19 not voting.

Standing Committee amendment page 36, lines 14 through 17 was adopted with 32 ayes, 0 nays and 17 not voting.

The Marvel pending amendment (4) found in the Journal on page 1189 for the Fiftieth Day was adopted with 30 ayes, 0 nays and 19 not voting.

The Marvel pending amendment (2) found in the Journal on page 1188 for the Fiftieth Day was adopted with 30 ayes, 0 nays and 19 not voting.

The Marvel pending amendment found in the Journal on page 1256 for the Fifty-second Day was adopted with 27 ayes, 5 nays and 17 not voting.

Mr. Marvel asked unanimous consent to withdraw his pending amendment (5) found in the Journal on page 1189 for the Fiftieth Day. No objections. So ordered.

Mr. Barnett offered the following amendment:

AMENDMENT TO LB 972

(1) Add a new section to read as follows:

"Sec. That section 2, Legislative Bill 606, Eighty-fourth Legislature, First Session, 1975, as amended by LB 6, Eighty-fourth Legislature, First Special Session, 1975, be amended to read as follows:

Sec. 2. Agency No. 03 – Legislative Council

(1) Program No. 121 – Legislative Session Expenses	
General Fund	~~1,072,405~~ 1,272,405
Program Total	~~1,072,405~~ 1,272,405
(2) Program No. 122 – Legislative Services	
General Fund	~~981,897~~ 826,897
Program Total	~~981,897~~ 826,897
(3) Program No. 123 – Clerk of the Legislature	
General Fund	87,755
Program Total	87,755
(4) Program No. 501 – Committee on Intergovernmental Cooperation	
General Fund	59,471
Program Total	59,471
(5) Program No. 504 – Office of Public Counsel (Ombudsman)	
General Fund	55,984
Program Total	55,984
(6) Program No. 625 – Conflicts of Interest Committee	
General Fund	5,134
Program Total	5,134
(7) Program No. 638 – Fiscal and Program Analysis	
General Fund	~~373,685~~ 328,685
Program Total	~~373,685~~ 328,685

For Informational Purposes Only: Total Appropriations to Agency No. 03 and Fund Source

General Fund	2,636,331
Agency Total	2,636,331

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Mr. Burrows offered the following amendment:

To amend LB 972 on page 14, strike lines 4 thru 9.

On page 13, line 26 strike "3,617,921" and insert "3,588,033"

On page 14, line 1 strike "3,617,921" and insert "3,588,033".

On page 18, line 4 strike "29,922,864" and insert "27,892,976", on line 11 strike "42,652,679" and insert "42,622,791."

MR. SAVAGE PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 11 nays and 14 not voting.

PRESIDENT WHELAN PRESIDING

The Burrows amendment was adopted with 28 ayes, 5 nays and 16 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 152.

Introduced by Schmit, 23rd District; DeCamp, 40th District.

WHEREAS, state government is the largest and most diversified business in Nebraska and is continually being called upon to expand existing services and to initiate new programs; and

WHEREAS, the state's present organizational structure is complex, with numerous similar or allied functions interwoven throughout several offices, departments, divisions, agencies, boards, commissions; and

WHEREAS, effective and economical state government is often disregarded or relegated to a secondary position because of increasing demand by citizens for more and better governmental services and public assistance; and

WHEREAS, there is a division of public opinion as to whether or not the current scope, rate of growth, and unprecedented expenditure for government is justified; and

WHEREAS, in order to improve the effectiveness of government without curtailing necessary services required by the public, the programs and operations of state government must be carefully examined, analyzed, and evaluated to insure competence, economy, and accountability.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council appoint a Select Committee on State Agency Review which shall undertake a complete and systematic review of the various state agencies, departments, offices, commissions, boards, and any other unit of state government.

2. That such Select Committee shall gather data which accurately reflects the services provided by each unit of state government.
3. That such Select Committee shall examine, analyze, and evaluate the data gathered and identify agency programs and costs, management practices, and services provided.
4. That such Select Committee make a report of its findings together with any recommendations it may have for possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 153.

Introduced by Rumery, 42nd District.

WHEREAS, the state has purchased a new office building in North Platte, Nebraska; and

WHEREAS, such building should be dedicated with a name which is meaningful to state government; and

WHEREAS, Senator Cecil Craft and his wife, Senator Ellen Craft, served as representatives to the Legislature from the North Platte area from 1961 to 1972; and

WHEREAS, Senator Cecil distinguished himself as an early supporter of congressional district reapportionment, and as a supporter of veteran benefits legislation; and

WHEREAS, Senator Ellen distinguished herself by filling the vacancy created in the Legislature by the death of her husband in 1966 and continuing the pursuit of many of his goals and objectives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The new office building in North Platte be named in honor of Senator Cecil Craft and Senator Ellen Craft in appreciation of their many years of service to the community and the state.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 23, 1976, at 10:00 a.m., were the following bills: 674, 674A, and 797.

(Signed) Barbara Jackson, Enrolling Clerk

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 806A. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 806, Eighty-fourth Legislature, Second Session, 1976.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 867, 867A, and 917.

(Signed) Donald N. Dworak, Chairman

COMMUNICATIONS ON LB 752

March 23, 1976

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 752, Eighty-fourth Legislature, Second Session

Dear Mr. Beermann:

Pursuant to provisions of 84-503, RRS, we are forwarding LB 752 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 752 notwithstanding the line item objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

lt
cc: Gov. J. James Exon

CERTIFICATE

Legislative Bill 752 having been returned by the Governor with his line item objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 23rd day of March, 1976.

(Signed) Gerald T. Whelan, Presiding Officer
President of the Legislature

GENERAL FILE

LEGISLATIVE BILL 883. Title read. Considered.

Standing Committee amendment found in the Journal on page 969 for the Forty-third Day was considered.

Mr. Marvel offered the following amendment to Standing Committee amendment:

AMENDMENT TO LB 883

(1) In lieu of the Committee Amendment to LB 883, found on page 969 of the Journal, insert the following amendment:

"Strike original section 1 and renumber original sections 2 to 9 as sections 1 to 8, respectively."

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

Mr. Marvel asked unanimous consent to be excused at 11:30 a.m. No objections. So ordered.

LEGISLATIVE BILL 984. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1046 for the Forty-fifth Day were adopted with 33 ayes, 0 nays and 16 not voting.

Mr. Carsten offered the following amendment:
Page 9, Line 2, strike $204,000 and insert $610,000.

The amendment was adopted with 25 ayes, 9 nays and 15 not voting.

Mr. Savage offered the following amendment:

Add a new Section 30:

"Sec. 30. Program No. 929. The University of Nebraska is hereby authorized to renovate the day care areas at the Nebraska Psychiatric Institute with a total project cost not to exceed $30,500. There is hereby appropriated $30,500 from the State Building Fund for the fiscal year ending June 30, 1977 to renovate the day care areas.

The amendment was adopted with 26 ayes, 3 nays and 20 not voting.

Mr. Mills renewed his pending amendment found in the Journal on page 1150 for the Forty-ninth Day.

The amendment was adopted with 27 ayes, 4 nays and 18 not voting.

Mr. Schmit offered the following amendment:

AMENDMENT TO LB 984

(1) Add a new section to read as follows:

"Sec._____ . The Department of Administrative Services is hereby authorized and directed to acquire the properties of John F. Kennedy College in Wahoo to be used as state office facilities to house state offices, except that unused or expansion space may be rented to political subdivisions of this state. There is hereby appropriated to the Department of Administrative Services $200,000 from the State Building Fund for the fiscal year ending June 30, 1977, for the purpose of acquiring such properties."

MR. SAVAGE PRESIDING

Mr. Schmit moved for a Call of the House. The motion prevailed with 22 ayes, 3 nays and 14 not voting.

The Schmit amendment lost with 24 ayes, 17 nays and 8 not voting.

Mr. George moved the Call be raised. The motion prevailed.

RESOLUTION

LEGISLATIVE RESOLUTION 154.

Introduced by Government, Military and Veterans Affairs Committee: Rasmussen, 41st District, Chairman.

WHEREAS, the office of the State Fire Marshal has contacted with a broad segment of the public of Nebraska in its regulatory function; and

WHEREAS, there has been some question raised as to the necessity of centralizing the functions performed by this office in one agency; and

WHEREAS, the State of Nebraska is currently without a Fire Marshal; and

WHEREAS, it would appear from the nature of the proceeding surrounding the selection and confirmation of a new Fire Marshal that there may be room for improvement in these procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislative Committee on Government, Military, and Veterans Affairs conduct an interim study of the State Fire Marshal's office, and the methods by which the Fire Marshal are selected.
2. That the committee shall include in its study an analyses of the basic question of the need for a State Fire Marshal.
3. That the committee study alternative methods for establishing a selection of a Fire Marshal and the procedure necessary for the approval of the candidate for that office.
4. That the committee make a report of its findings together with its recommendations for possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

The President introduced 22 junior high students and teacher and sponsors from Lewiston, Nebraska; 40 fifth grade students, teachers and sponsors from Seward, Nebraska; 9 tenth thru 12th grade students and teacher from Beatrice, Nebraska; 36 twelfth grade students, teacher and sponsors from Nebraska Christian High School, Central City, Nebraska; 23 fourth grade students and teacher from St. John's Elementary School, Seward, Nebraska; 30 sixth grade students and teacher from Friend Elementary, Friend, Nebraska; and 32 twelfth grade students and teacher from Burwell, Nebraska.

RECESS

At 11:58 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Mahoney presiding.

ROLL CALL

The roll was called and all members were present except Mr. Marvel who was excused until he arrives.

MESSAGE FROM SECRETARY OF STATE

March 23, 1976

Vincent D. Brown
Clerk of the Legislature
Unicameral Legislature
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 752, Eighty-fourth Legislature, Second Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on March 23, 1976 at 10:55 A.M. LB 752. Along with LB 752, I hereby acknowledge receipt of your cover letter and a signed certificate by Gerald T. Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 752 having been returned by the Governor with his line item objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 23rd day of March, 1976."

Further, I hereby acknowledge that LB 752, cover letter, certificate and copies of the Governor's veto message have all been filed in this office as a matter of record on the day and hour stated above.

Very truly yours,
(Signed) Allen J. Beermann
Secretary of State

GENERAL FILE

LEGISLATIVE BILL 984. Considered.

Mr. Burrows offered the following amendment:

AMENDMENT TO LB 984

On page 5, line 9, insert "Rock Creek Station,"
after the comma; on line 10 strike "18,000" and
insert in its place "28,000"; on line 12, strike
the period and insert after the word improvements,
", including fencing at Rock Creek Station."

Mr. Maresh offered the following amendment to the Burrows amendment:

Amend the Burrows Amendment to LB 984, page 5 on line 10 strike $28,000 and in its place insert $28,500 on line 12 in the "Burrows amendment" after fencing insert "and to include cemetery restoration"

The Maresh amendment lost with 15 ayes, 11 nays and 23 not voting.

The Burrows amendment lost with 8 ayes, 21 nays and 20 not voting.

Mr. Bereuter offered the following amendment:

To amend LB 984 to add a new section as follows:

Sec.______The Department of Aeronautics, State Office of Planning and Programming, and the Game and Parks Commission are hereby directed to study present and future land uses and land use regulations and ownership patterns around Federal Airports in Nebraska. There is hereby appropriated $10,000 State Building Fund to the Department of Aeronautics for the fiscal year ending June 30, 1977.

PRESIDENT WHELAN PRESIDING

The amendment was adopted with 25 ayes, 12 nays and 12 not voting.

Mr. DeCamp moved to reconsider action on the Schmit amendment rejected this morning.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 20 ayes, 2 nays and 27 not voting.

The Call showed 45 members present.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 25:

Burbach Carsten DeCamp Fitzgerald Fowler
George Goodrich Johnson Keyes Kime
Koch F. Lewis Luedtke Mahoney Moylan
Nichol Rasmussen Rumery Savage Schmit
Simpson Skarda Swigart Warner Wiltse

Voting in the negative, 18:

Anderson Barnett Burrows Cavanaugh Clark
Cope Dickinson Duis Dworak Kelly
Kennedy R. Lewis Maresh Marsh Mills
Murphy Stull Syas

Not voting, 6:

Bereuter Chambers Hasebroock Kremer Marvel
Stoney

The motion to reconsider action prevailed with 25 ayes, 18 nays and 6 not voting.

Mr. Carsten moved the Call be raised. The motion prevailed.

Mr. DeCamp moved the adoption of the Schmit amendment.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 20 ayes, 5 nays and 24 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 23:

Burbach
DeCamp
Fitzgerald
Fowler
George
Goodrich
Johnson
Keyes
Kime
Koch
F. Lewis
Luedtke
Mahoney
Maresh
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Warner
Wiltse

Voting in the negative, 16:

Anderson
Barnett
Burrows
Carsten
Cavanaugh
Cope
Duis
Dworak
Kelly
Marsh
Mills
Moylan
Murphy
Stoney
Stull
Syas

Not voting, 10:

Bereuter
Chambers
Clark
Dickinson
Hasebroock
Kennedy
Kremer
R. Lewis
Marvel
Swigart

The Schmit amendment lost with 23 ayes, 16 nays and 10 not voting.

Mr. Carsten moved the Call be raised. The motion prevailed.

Mr. Bereuter offered the following amendment:

AMENDMENT TO LB 984

(1) On page 13, after line 21, add a new paragraph as follows:

"Provided that equipment and furnishing funds from other sources may be expended for systematic partitions and integrated furnishings only after the approval of such expenditures by the Director of D.A.S. and such approval is reported to the Executive Board of the Legislature. It shall be the responsibility of the

Director of D.A.S. to insure appropriate utilization, control, and assignment of such partitions and furnishings. The Director may assign inventory and maintenance functions to the various agencies but shall retain title and control to all such partitions and furnishings."

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Bereuter offered the following amendment:

AMENDMENT TO LB 984

(1) Add a new section 28 to read as follows:

"Sec. 28. The Department of Correctional Services shall contract with a qualified cost-control construction consultant to assure that projects shall substantially render programmed space within the appropriation stipulated in this act; provided that the conditions of this section shall not apply if total project cost is less than four million dollars."

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 155.

Introduced by Warner, 25th District; R. Lewis, 38th District; Kelly, 35th District; DeCamp, 40th District.

WHEREAS, nonpartisanship in the Nebraska Unicameral, the complex interaction between state and federal legislative activity, and the increased workload in the Nebraska Unicameral have placed a tremendous strain on accomplishing legislative objectives within the constitutionally imposed limits on the sessions of the Legislature; and

WHEREAS, Nebraska Unicameral can accomplish its work and perform its duty to provide proper legislation in the best interests of the people of this state through personal discipline and strict adherence, by each member of the Legislature, to the rules and procedures of the Legislature; and

WHEREAS, the formulation and adoption of a new or revised set of rules, regulations, and procedures for legislative activity would be extremely beneficial in the efficient operation of the Nebraska Unicameral.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Rule Committee perform an interim study of the existing rules of the Legislature as well as proposals for new rules and procedures for the purpose of revising or rewriting the rules.

2. That the Rules Committee proceed to draft a new or revised set of rules, regulations, and procedures for the Legislature.

3. That the Rules Committee request the members of the Legislature to meet, at such times and in such places as may be convenient to the greatest number of members, for the purpose of reviewing and revising the rules of the Legislature into an organized and viable form.

4. That the Legislature be strongly encouraged to adopt the new or revised set of rules, regulations, and procedures on the first day of the next regular session in 1977 so that the remainder of that session, as well as subsequent sessions, may be conducted in an orderly manner for the best interests of all citizens of this state.

Referred to the Executive Board.

UNANIMOUS CONSENT–Print in Journal

Mr. Savage asked unanimous consent to print amendments to LB 986. No objections. So ordered.
(Amendments printed separate from the Journal and on file in the Clerk's office. Req. No. 2686)

GENERAL FILE

LEGISLATIVE BILL 989. Title read. Considered.

Standing Committee amendments found in the Journal on page 987 for the Forty-third Day were considered.

The Maresh pending amendment to the Standing Committee amendments found in the Journal on page 1293 for the Fifty-third Day was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Maresh offered the following amendment to the Standing Committee amendment:

Amendments to Standing Committee amendments LB 989

1. On page 2 after line 26 insert the following:

"Claim No. 53, against the State Fire Marshal, pay to Eunice Thein, Greenwood, Nebraska, 68366 561.90"

2. On page 3 after line 7 insert the following:

"Claim No. 75, against the Game and Parks Commission, pay to Lyle K. Tanderup, 1851 Broadmore Drive, Lincoln,

Nebraska 68506 510.29"

3. On page 4 insert the following:

"Claim No. 110, against the Department of Correctional Services, pay to William Delaney, 1845 South 47th Street, Lincoln, Nebraska 68506 1,425.02".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 690. Replaced on Select File as amended.
E & R amendments to LB 690:

1. In the Barnett amendment, line 5, insert "of Nebraska" after "University".

(Note: The Bereuter amendment adopted 3/22 refers to the Green copy.)

2. In the Warner amendment, strike lines 1 and 2 and insert:

"1. Insert two new sections to read:"; insert the first two sections therein as sections 12 and 13; and strike sections 3 and 4 therein.

3. Insert new section 13 as it appears on page 1266 of the Journal rather than with longhand changes as made on the copy accompanying the bill.

4. At the end of line 1 of new sections 12 and 13, insert "First Session, 1975,".

5. In committee amendments, renumber section 12 as section 14 and renumber original sections 12 to 19 as sections 15 to 22 respectively.

6. In lieu of the Cavanaugh amendments adopted 3/22, on page 11 as amended, line 6, strike "10,568,414" and insert "10,068,414"; in line 9 strike "13,350,439" and insert "12,850,439"; in line 12 strike "14,092,474" and insert "13,592,474"; and in line 14 strike "14,385,130" and insert "13,885,130"; and on page 12 as amended, in line 9 strike "24,790,280" and insert "23,790,280"; and in line 13 strike "104,753,204" and insert "103,753,204".

7. In the Warner amendment, line 10, insert "(1)" before "Program"; and in line 14, insert "(2)" before "Program".

8. In the Bereuter amendment, line 1, insert "the" before "Animal".

LEGISLATIVE BILL 948. Replaced on Select File as amended.
E & R amendments to LB 948:

1. On page 4, line 11, strike "8" and insert "7".
2. On page 17, line 27, strike "guaranty fund".

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 691. E & R amendment found in the Journal on page 1293 for the Fifty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 871. E & R amendment found in the Journal on page 1294 for the Fifty-third Day was adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 691 to Select File

Mr. Schmit moved to return LB 691 to Select File for the following specific amendment:

LB 691
AMENDMENT TO STANDING COMMITTEE AMENDMENT

(1) On page 6, line 26, strike "56,320,562" and insert "71,320,562".

(2) On page 7, line 1, strike "66,951,092" and insert "81,951,092"; and on line 3, strike "45,000,000" and insert "50,000,000"; and on line 5 strike "10,000,000" and insert "20,000,000".

(3) On page 10, line 15, strike "73,403,334" and insert "88,403,334"; and on line 19 strike "115,548,827" and insert "130,548,827".

Mr. Schmit moved for a Call of the House. The motion prevailed with 18 ayes, 7 nays and 24 not voting.

The Call showed 43 members present.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 25:

Barnett
Carsten
Cavanaugh
Dickinson
Duis
Fitzgerald
Fowler
Goodrich
Johnson
Keyes
Koch
F. Lewis
Luedtke
Marsh
Mills
Nichol
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Warner
Wiltse

Voting in the negative, 15:

Anderson
Bereuter
Burbach
Burrows
DeCamp
Dworak
Hasebroock
Kelly
Kremer
Mahoney
Maresh
Moylan
Rasmussen
Swigart
Syas

Not voting, 9:

Chambers
Clark
Cope
George
Kennedy
Kime
R. Lewis
Marvel
Murphy

Mr. F. Lewis moved the Call be raised. The motion prevailed.

The Schmit motion to return LB 691 to Select File prevailed with 25 ayes, 15 nays and 9 not voting.

SELECT FILE

LEGISLATIVE BILL 691. The Schmit specific amendment found in this day's Journal was renewed.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 11 nays, and 26 not voting.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 5 nays and 15 not voting.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 19 ayes, 10 nays and 20 not voting.

The Call showed 45 members present.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 26:

Barnett Carsten Cavanaugh Cope Dickinson
Duis Fitzgerald Fowler Goodrich Johnson
Keyes Koch F. Lewis Luedtke Marsh
Mills Nichol Rumery Savage Schmit
Simpson Skarda Stoney Stull Warner
Wiltse

Voting in the negative, 17:

Anderson Bereuter Burbach Burrows DeCamp
Dworak Hasebroock Kelly Kime Kremer
Mahoney Maresh Marvel Moylan Rasmussen
Swigart Syas

Not voting, 6:

Chambers Clark George Kennedy R. Lewis
Murphy

The Schmit specific amendment was adopted with 26 ayes, 17 nays and 6 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 806. Replaced on Select File as amended.
E & R amendments to LB 806:

1. In line 3 of E & R 8, strike "23" and insert "17".
2. On page 23, line 17, insert an underscored comma after "evaluation".
3. On page 34, line 26, insert "if he or she has counsel, and his or her parent or legal guardian," after the first comma.
4. On page 35, line 27, insert an underscored comma after "hearing".
5. On page 43, line 10, strike "to".

(Signed) Donald N. Dworak, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 156.

Introduced by Judiciary Committee: Luedtke, 28th District, Chairman; Syas, 13th District; Schmit, 23rd District; Barnett, 26th District; DeCamp, 40th District; Nichol, 48th District; Anderson, 37th District.

WHEREAS, an effective system of criminal justice is dependent upon the procedures used to function with such a system; and

WHEREAS, a uniform system of criminal court procedures could greatly enhance the quality of criminal justice in Nebraska by providing predictability and thorough understanding of criminal procedure to all parties functioning within the criminal court system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee perform an interim study of the desirability and need for a uniform system of criminal procedure in Nebraska courts.
2. That the committee study such uniform systems as they may exist in other states or in the federal judicial system, and develop recommendations for such a system to be implemented in Nebraska criminal courts.
3. That the committee make a report of its findings together with its recommendations concerning a uniform system of criminal procedure, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 157.

Introduced by Judiciary Committee: Luedtke, 28th District; Schmit, 23rd District; Anderson, 37th District; Barnett, 26th District; DeCamp, 40th District; Nichol, 48th District.

WHEREAS, work release, education release, furloughs, and other recent developments in penology have proved to be of some benefit in other states; and

WHEREAS, the administration techniques used in relation to these programs can be a significant factor in determining their effectiveness; and

WHEREAS, such programs are presently administered by the Nebraska Board of Parole.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Judiciary Committee conduct an interim study to determine the desirability of a constitutional amendment to be presented to the people of Nebraska to more clearly define the duties of the Board of Parole in the area of work release, educational release, furloughs and other rehabilitation programs in Nebraska's penal system.

2. That the Committee make a report of its findings together with its recommendation for possible legislation to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT—Member Excused

Mr. Bereuter asked unanimous consent to be excused at 3:40 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1006. Title read. Considered.

The Goodrich pending amendment found in the Journal on page 1286 for the Fifty-third Day was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Barnett offered the following amendment:

Amend LB 1006 by striking on page 4 on line 7 "a downtown education center"

Line 8 – "and" on page 4, also on page 2 line 4 & 5 should strike any related language

The Barnett amendment lost with 9 ayes, 21 nays and 19 not voting.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 6 nays and 15 not voting.

Advanced to E & R for Review with 29 ayes, 7 nays and 13 not voting.

LEGISLATIVE BILL 1007. Title read. Considered.

Mr. Chambers moved to indefinitely postpone.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The motion to indefinitely postpone lost with 10 ayes, 26 nays and 13 not voting.

Mr. Chambers requested a record vote on advancing to E & R for Review.

Voting in the affirmative, 31:

Anderson Barnett Burbach Carsten Cavanaugh
Cope DeCamp Dickinson Fitzgerald Fowler
Goodrich Hasebroock Johnson Keyes Koch
F. Lewis Luedtke Mahoney Marsh Moylan
Rumery Savage Schmit Simpson Skarda
Stoney Stull Swigart Syas Warner
Wiltse

Voting in the negative, 8:

Clark Duis Dworak Kelly Kennedy
Kremer R. Lewis Marvel

Not voting, 10:

Bereuter Burrows Chambers George Kime
Maresh Mills Murphy Nichol Rasmussen

Advanced to E & R for Review with 31 ayes, 8 nays and 10 not voting.

LEGISLATIVE BILL 1008. Title read. Considered.

Mr. Clark offered the following amendment:

AMENDMENT TO LB 1008

PURPOSE: Technical amendment to repeal UNL-Chiller, Section 38 of LB 1004 also repeals Section 42 of LB 1055 but not until effective date of act (July 1, 1976). Since this is a deficit bill, this amendment is required.

(1) Add a new Section 3 and renumber original Section 3 as Section 4.

"Sec. 3. That section 42, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974, is repealed."

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1009. Title read. Considered.

MR. SAVAGE PRESIDING

Mr. Barnett moved to indefinitely postpone.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 9 nays and 14 not voting.

Mr. Barnett moved for a Call of the House. The motion prevailed with 21 ayes, 17 nays and 11 not voting.

PRESIDENT WHELAN PRESIDING

Mr. Barnett requested a roll call vote.

Voting in the affirmative, 20:

Anderson
Barnett
Carsten
Cavanaugh
Dickinson
Dworak
Fowler
Hasebroock
Kelly
Kennedy
Keyes
Kime
R. Lewis
Maresh
Marvel
Rasmussen
Rumery
Stull
Syas
Wiltse

Voting in the negative, 25:

Burbach
Chambers
Cope
DeCamp
Duis
Fitzgerald
George
Goodrich
Johnson
Koch
Kremer
F. Lewis
Luedtke
Mahoney
Marsh
Mills
Moylan
Nichol
Savage
Schmit
Simpson
Skarda
Stoney
Swigart
Warner

Not voting, 4:

Bereuter
Burrows
Clark
Murphy

The Barnett motion to indefinitely postpone lost with 20 ayes, 25 nays and 4 not voting.

Mr. Swigart moved the Call be raised. The motion prevailed.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays and 20 not voting.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 22 ayes, 16 nays and 11 not voting.

Mr. F. Lewis requested a roll call vote to advance to E & R for Review.

Voting in the affirmative, 22:

Burbach Chambers Cope DeCamp Duis
Fitzgerald George Goodrich Johnson Koch
F. Lewis Luedtke Mahoney Marsh Mills
Moylan Nichol Schmit Simpson Stoney
Swigart Warner

Voting in the negative, 25:

Anderson Barnett Burrows Carsten Cavanaugh
Dickinson Dworak Fowler Hasebroock Kelly
Kennedy Keyes Kime Kremer R. Lewis
Maresh Marvel Murphy Rasmussen Rumery
Savage Skarda Stull Syas Wiltse

Not voting, 2:

Bereuter Clark

Mrs. Marsh moved the Call be raised. The motion prevailed.

Failed to advance to E & R for Review with 22 ayes, 25 nays and 2 not voting.

Mr. Skarda asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1010. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 9 nays and 13 not voting.

LEGISLATIVE BILL 1011. Title read. Considered.

Mrs. Marsh moved to advance LB 1011.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 13 nays and 11 not voting.

Messrs. Kremer, Dickinson and Johnson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 905. Title read. Considered.

Standing Committee amendment found in the Journal on page 997 for the Forty-third Day was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 26 ayes, 6 nays and 17 not voting.

Mr. Hasebroock asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 985. Title read. Considered.

Mr. Burrows moved to indefinitely postpone.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays and 21 not voting.

The motion to indefinitely postpone prevailed with 22 ayes, 13 nays and 14 not voting.

MESSAGE FROM THE GOVERNOR

March 23, 1976

RE: LB 972

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am informed that the Legislature today has voted to delete my request of $29,888 for the payment of expenses incurred, through June 30, 1976, by the Mental Retardation Panel. After your action I took the matter up with the Attorney General who has been advising and representing the Governor on the lawsuit brought against the state. The Attorney General agrees completely and has approved this letter to your honorable body.

While I am aware that there is some disagreement concerning the actions of the Panel, some of which as you know I have expressed myself, I nevertheless believe that the mentally retarded citizens of our state are entitled to the preparation of a plan of evaluation which the Mental Retardation Panel is required to develop.

It is for that reason that I urge the Legislature to reconsider its action in this matter and to approve the appropriation in the amount of $29,888 which I requested.

I recognize that the Legislature was not a party to this action at the choice of the plaintiffs and is not in any manner bound by that agreement. Nevertheless, believing that much good can come from a properly prepared plan I am urging you to reconsider your action.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah2

EXPLANATION OF VOTE

Had I been present I would have voted no on the Schmit amendment to LB 691.

(Signed) Richard Lewis

RESOLUTION

LEGISLATIVE RESOLUTION 158.

Introduced by Maresh, 32nd District.

WHEREAS, the costs of county road and city street construction and maintenance have more than doubled in the past five years seriously affecting these programs; and

WHEREAS, counties and cities have been placed in a position where money from federal revenue sharing is in jeopardy; and

WHEREAS, county and city officials are concerned over this lack of funds to carry out their duties, responsibilities, and programs; and

WHEREAS, a good county highway and city street program is essential to the welfare of these coummunities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature direct the Revenue committee to study the problems in conjunction with the State Highway Commisson to determine what alternative methods could be used to generate revenue in lieu of revenue sharing.
2. That the committee at the conclusion of its study, submit a report of its findings together with any recommendations for possible legislation to the Legislature at the next regular session.

Referred to the Executive Board.

UNANIMOUS CONSENT—Member Excused

Mr. Marvel asked unanimous consent to be excused Wednesday, March 24, 1976. No objections. So ordered.

VISITORS

The President introduced 4 Cub Pack No. 24 members and den mother of Calvary Lutheran Church, Lincoln, Nebraska; 20 junior and high school students and sponsors from Blair and Arlington, Nebraska; Dorothy Skarda, wife of Senator Skarda; Cheryl Plowman and Christine Carver, daughters of Senator Skarda and grandchildren, Billie, Happy, Christian and Mickey; 65 third grade students, teachers and parents from Rousseau Elementary School, Lincoln; 23 K through 8th grade students, teachers and parents from School District R3, Phelps County, Elm Creek, Nebraska; groupd of G.O.P. women from Cass County.

ADJOURNMENT

At 6:18 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, March 24, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

FIFTY-FIFTH DAY—MARCH 24, 1976

FIFTY-FIFTH DAY—MARCH 24, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 24, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Father James Dawson, Lincoln, Nebraska, Superintendent of Schools for Southern Nebraska.

> Heavenly Father, we pray that Your Wisdom and Understanding will come upon the members of this law-making body as they set about their work this day.
>
> They are aware, as a legislative group that in order to develop fruitful action and to gain esteem and confidence, they must be men of intellectual ability and firmness of character. They realize they are representatives of the whole people and not agents of a group to whose particular interests the true needs and requirements of the common welfare may be sacrificed. (Pius XII)
>
> We ask, gracious Lord, that these legislators will speak and express thoughts worthy of your gifts. They trust in your Strength realizing the government of the earth is in Your Hands, and You set the right man over it at the right time. (Eccl. 10:4)
>
> May the Lord show kindness and bless you today and make His Face smile upon you. We ask this in His Name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Marvel who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-fourth Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 159.

Introduced by Telecommunications Committee: Clark, 47th District, Chairman.

WHEREAS, the Federal Communications Commission in recent actions appears to be extending federal jurisdiction over additional communication services including certain services which had previously been considered intrastate communication services; and

WHEREAS, such federal regulation of communication services may be contrary to the long standing separation of federal and state regulation over communications services and may adversely affect intrastate communication users in Nebraska; and

WHEREAS, federal legislation has been introduced in Congress which would reaffirm the purpose of the Communications Act of 1934.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature's Telecommunications Committee is hereby directed to investigate the present and proposed relationship regarding the relative jurisdiction of the State of Nebraska and Federal Communications Commission, as such relates to the charges, services, facilities, and regulation of the provision of Nebraska intrastate communication services.
2. That such committee make a report of its findings, together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 690. E & R amendments found in the Journal on page 1314 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 948. E & R amendments found in the Journal on page 1315 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 806. E & R amendments found in the Journal on page 1317 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 160.

Introduced by Rasmussen, 41st District; DeCamp, 40th District.

WHEREAS, the North Loup Division and the O'Neill Unit, Pick-Sloan Missouri Basin Program, Nebraska, were authorized by the Congress of the United States in October 1972; and

WHEREAS, the Congress of the United States has appropriated funds for the construction in fiscal year 1976 for each of these projects; and

WHEREAS, the O'Neill Unit and the North Loup Division have strong local support from the owners of irrigable land to be served by each of the projects, and from the communities which will benefit from the construction of these projects; and

WHEREAS, there is and will continue to be strong need to maintain, strengthen and enhance Nebraska's largest industry, agriculture; and

WHEREAS, there is definite need in these project areas for surface irrigation water to maintain the declining ground waters; and

WHEREAS, Nebraska's people need the fish and wildlife and recreational opportunities that can be provided by the O'Neill and North Loup developments; and

WHEREAS, the Congress of the United States will conduct hearings on appropriations for the two projects forthwith.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Second Session of the Eighty-fourth Legislature of Nebraska strongly supports the continued funding of the uninterrupted construction and development of the North Loup Division and the O'Neill Unit.

2. That the Legislature memorializes Congress and the respective Appropriation Committees thereof to support the appropriation of funds for the continuation of construction for the North Loup Division in the amount of $1,000,000.00 for fiscal year 1977.

3. That the Legislature memorializes the Congress of the United States and the respective Appropriation Committees thereof to support the appropriation of funds for the continuation of construction for the O'Neill Unit in the amount of $1,300,000.00 for fiscal year 1977.

4. That copies of this Resolution, suitably engrossed, be transmitted by the Clerk of the Legislature to the United States Senate and House of Representatives of the Congress, to Honorable John L. McClellan, Chairman of the Senate Appropriations Committee, and Honorable George H. Mahon, Chairman of the House Appropriations Committee, and to each member from Nebraska in the Senate and House of Representatives of the United States.

Laid over.

LEGISLATIVE RESOLUTION 161.

Introduced by Fowler, 27th District.

WHEREAS, the passage of LB 302 has made possible the treatment of increasing numbers of mentally ill persons in the community; and

WHEREAS, the passage of LB 302 may have had significant impact on the role of the regional center in the mental health system; and

WHEREAS, the character of the patient population in the state's regional centers may change with the revision of current mental health commitment laws; and

WHEREAS, the regional centers now serve five thousand Nebraskans annually; and

WHEREAS, the regional centers will expend approximately eighteen million dollars in 1976-77.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislature appoint a six member interim study committee, comprised of three members of the Public Health and Welfare Committee and three members of the Appropriations Committee, to examine:

(a) The role of the regional centers in the mental health service system;

(b) The current treatment programs and staffing patterns of the regional centers in light of the changing needs of the patient population;

(c) The methods used by the Department of Public Institutions to distribute funds to institutional treatment programs;

(d) The methods used by the regional centers to evaluate the effectiveness of treatment programs;

(e) The methods used by the regional centers to train staff; and

(f) The extent to which patients and their relatives are able to participate in the development of the patient's treatment plan.

2. That a public hearing shall be held on each regional center campus.

3. That the committee consider the regional center treatment programs in comparison to national standards for such programs, alternative means of evaluating such programs, and alternative ways in which funding already provided might be distributed.

4. That the Department of Public Institutions shall provide all information requested by the committee.

5. That the interim study committee report its findings and recommendations for program or statutory changes to the Legislature by December 1, 1976, for consideration during the next regular session.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 826A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 794A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 782A. Title read. Considered.

Mr. Kime offered the following amendment:

AMENDMENT TO LB 782A

(1) On page 2, line 3 strike "Nebraska Law Enforcement Training Center" and insert "Law Enforcement Improvement".

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 806A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 779. Title read. Considered.

Mr. Rasmussen asked unanimous consent to withdraw his amendments found in the Journal on page 944 for the Forty-second Day and page 1070 for the Forty-sixth Day. No objections. So ordered.

Mr. Rasmussen renewed his pending amendment found in the Journal on page 1144 for the Forty-ninth Day.

The amendment was adopted with 26 ayes, 2 nays and 21 not voting.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 799. Title read. Considered.

Standing Committee amendments found in the Journal on page 1015 for the Forty-fourth Day were considered.

Mr. Bereuter offered the following amendment to the Standing Committee amendments.

1. On page 9, line 1 after "Analyst," insert "Legislative Program Evaluation,"; in line 8 after "Analyst," insert "the office of Legislative

Program Evaluation,"; in line 11 after the underscored comma insert "the Legislative Performance Auditor,"; and in line 17 after the underscored comma insert "Legislative Performance Auditor,".

2. In Standing Committee amendment number 3 strike new sec. 18.
3. Renumber remaining sections according.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Murphy offered the following amendment:

To amend LB 799 page 8, line 22 – strike the with and insert after

Mr. Warner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Murphy amendment was adopted with 25 ayes, 9 nays and 15 not voting.

Mr. Warner offered the following amendment:

Amend LB 799 – strike subsection (7) of Sec. 2 page 4.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Bereuter offered the following amendment:

AMENDMENT TO LB 799

1. On page 9, line 1 after "Statutes," insert "Legislative Legal Counsel," line 9 after "Statutes," insert "the office of Legislative Legal Counsel," and in line 18 after the underscored comma insert "Legislative Legal Counsel,"; and in line 22 after "positions" insert ", except that the Legislative Legal Counsel shall be skilled and experienced, for not less than two years, in legislative process and the general practice of law,".

2. Insert the following new sections:

"Sec. 21. (1) The division of Legislative Legal Counsel shall, upon the request of any member of the Legislature, (a) provide legal counseling and technical assistance relative to legislation, (b) provide legal research, and (c) maintain legal legislative reference material.

(2) The division shall, upon the request and direction of the Speaker of the Legislature, (a)

advise any legislative committee on constitutional, statutory, and other legal matters relevant to legislation, (b) assist any such committee in such matters brought before it, and (c) provide other legal services as are available to individual members of the Legislature.

Sec. 22. (1) The Legislative Legal Counsel shall maintain the attorney-client relationship with each member of the Legislature with respect to communications between such member of the Legislature and the Legislative Legal Counsel. The Legislature may modify the attorney-client privilege by the rules of the Legislature.

(2) All materials arising out of such attorney-client relationship, including but not limited to opinions, memoranda, and other data prepared by the Legislative Legal Counsel, shall not be public records except as otherwise provided by the rules of the Legislature or when released to the public by the member of the Legislature for whom the material was prepared.

(3) The Legislative Legal Counsel may release material arising out of the attorney-client relationship with a former member when the public interest would be served and when such former member is not available to execute a release.

Sec. 23. (1) The Legislative Legal Counsel shall, upon the request of any member of the Legislature or the chairperson of any committee thereof, give a formal written opinion based upon a specific subject matter request.

(2) The Legislative Legal Counsel shall maintain a record of all opinions issued by the counsel.

Sec. 24. (1) Whenever it shall become necessary or advisable to protect the official interests of the Legislature or any committee thereof, the Legislative Legal Counsel or a special counsel employed for specific litigation by the Legislative Legal Counsel shall, pursuant to a majority vote of the Executive Board of the Legislative Council, represent the Legislature in any action in any court or agency of this state or of the United States.

(2) Expenses incurred in any such actions shall be paid from funds appropriated to the Legislative Council for such purposes.

Sec. 25. The division of Legislative Legal Counsel shall cooperate and may seek assistance from other agencies and departments of the state in carrying out its duties and responsibilities under this act.".

3. Renumber remaining sections accordingly.

Amendment pending.

EASE

The Legislature was at ease from 10:58 a.m. until 11:02 a.m. for the Mother of the year recognition.

Messrs. Kennedy, Johnson, and Anderson escorted Mrs. John McArthur, 1976 State Mother of the Year from Lincoln; Mrs. Donald Dougherty, 1976 State Young Mother of the Year from Auburn; and Mrs. Anne Blummer, Chairman of the Committee to the rostrum for recognition by the members.

GENERAL FILE

LEGISLATIVE BILL 799. Considered.

The Bereuter pending amendment was renewed.

Mr. Cavanaugh offered the following amendment to the Bereuter amendment:

To amend the Bereuter Amendment by striking reference to Sec. 22

Mr. F. Lewis requested a record vote.

Voting in the affirmative, 25:

Barnett Carsten Cavanaugh Clark Cope
Dickinson Fowler Goodrich Kennedy Keyes
F. Lewis R. Lewis Luedtke Mahoney Maresh
Mills Moylan Rasmussen Rumery Savage
Skarda Stoney Stull Swigart Warner

Voting in the negative, 2:

Kelly Koch

Not voting, 22:

Anderson Bereuter Burbach Burrows Chambers
DeCamp Duis Dworak Fitzgerald George
Hasebroock Johnson Kime Kremer Marsh
Marvel Murphy Nichol Schmit Simpson
Syas Wiltse

The amendment was adopted with 25 ayes, 2 nays and 22 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays and 20 not voting.

The Bereuter amendment, as amended, was adopted with 26 ayes, 13 nays and 10 not voting.

Mr. Koch offered the following amendment:

1. On page 9 strike beginning with "The" in line 17 through "." in line 20, and insert "The Legislative Fiscal Analyst, Director of Research, Revisor of Statutes, and Clerk of the Legislature shall be appointed by the Executive Board of the Legislative Council, and all such appointments or dismissals shall be subject to approval and confirmation by a majority vote of the Legislature.".

The Koch amendment lost with 13 ayes, 15 nays and 21 not voting.

Mr. Cavanaugh moved to advance the bill to E & R for Review.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 19 ayes, 11 nays and 19 not voting.

The Call showed 47 members present.

MR. MAHONEY PRESIDING

Mr. Syas requested a record vote.

Voting in the affirmative, 25:

Anderson Barnett Bereuter Burrows Cavanaugh
Chambers Cope DeCamp Dworak Fitzgerald
Fowler George Kelly F. Lewis Luedtke
Mahoney Marsh Mills Moylan Murphy
Rumery Savage Schmit Simpson Stoney

Voting in the negative, 13:

Carsten Keyes Koch Kremer Maresh
Nichol Rasmussen Skarda Stull Swigart
Syas Warner Wiltse

Not voting, 11:

Burbach Clark Dickinson Duis Goodrich

Hasebroock Johnson Kennedy Kime R. Lewis
Marvel

Advanced to E & R for Review with 25 ayes, 13 nays and 11 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 434 in the Journal. No objections. So ordered.

(1)
1. Pages 18, 19; STRIKE subsection (3).
2. Page 30, line 19; after "evidence", ADD "in a court of law".

(2)
Page 33, SECTION 45, ADD NEW Subsection (2):
"No physician or other health care provider shall charge or receive in excess of $500 per day for testimony given in any judicial or other proceeding in this state. Any agreement for a fee in excess of such amount shall be void and unenforceable as to the excess. No physician or other health care provider shall condition giving testimony in any judicial or other proceeding in this state upon receipt of anything of value in excess of $500 per day from any source. Provided, nothing in this section shall prohibit a reasonable fee in excess of $500 per day for any expert medical witness who must travel to Nebraska from another state."

(3)
Page 16, lines 22, 23, STRIKE: "~~paid in the following calendar years as funds become available for such purpose.~~"
And INSERT: "collectible against the health care provider in accord with laws relative to execution of judgments."

RESOLUTIONS

LEGISLATIVE RESOLUTION 162.

Introduced by Cavanaugh, 9th District.

WHEREAS, extensive and prolonged review procedures and regulatory requirements for completion of plans, specifications, and rights-of-way for federal highway projects may cause problems of obsolescence by the time final approval for such projects is granted; and

WHEREAS, a September 14, 1974 survey of all states, the District of Columbia, and Puerto Rico by the Federal Highway Administration established that one hundred design stage projects with an estimated cost of 3.242 billion dollars had been delayed six months or more because of environmental impact law suits; and

WHEREAS, the above mentioned survey disclosed that thirty-seven highway construction projects with an estimated total cost of 202.5 million dollars were reported to be delayed because of environment related law suits; and

WHEREAS, street and highway projects as well as other public projects such as water resource development, power plants, and energy and fuel programs have seemingly been unduly delayed by slow moving procedures of the federal bureaucracy at great expense to the public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE, OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Congressional delegation be urged to aid in amending federal laws which could be made to require time tables and simplified procedures for review of applications, plans, and specifications for Federal highway programs and other public works.
2. That each member of the Nebraska Congressional delegation be urged to lend their complete support to attempt to modify laws which impose rigid requirements for protection of the environment in public work construction without adequate concern for the economic impact and corresponding costs of resulting delay.
3. That the Clerk of the Legislature forward a copy of this resolution to each Nebraska member of the United States House of Representatives and United States Senate.

Laid over.

LEGISLATIVE RESOLUTION 163.

Introduced by Schmit, 23rd District; DeCamp, 40th District; Rumery, 42nd District; Maresh, 32nd District; Kennedy, 21st District.

WHEREAS, the air, land, and water of Nebraska are the principal assets of the state and guarantee to the state a sound economy; and

WHEREAS, the use of land in Nebraska is of paramount importance to all citizens having an interest in the future growth and development of our state; and

WHEREAS, zoning and other land use laws have a substantial impact upon the economic destiny of our state in terms of private development of real property as well as Nebraska's land tax structure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Agriculture and Environment Committee conduct an interim study of the zoning and land use laws in Nebraska.
2. That the committee shall hold hearings across the state to gather information as it deems necessary but the primary objective of such study shall be research and recodification of existing Nebraska zoning and land use laws.

3. That the committee make a report of its findings together with its recommendations for possible legislation to the next regular session of the Legislature.

4. That the Executive Board of the Legislative Council provide sufficient funds to enable the committee and its personnel to carry out the duties imposed by this resolution.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 691. Replaced on Select File as amended.
E & R amendments to LB 691:

1. 1. In lieu of the Schmit amendment 1, on page 6 as amended, in line 26, strike "56,322,507" and insert "71,322,507".

2. In lieu of the Schmit amendment thereto, on page 7 as amended, line 1, strike "66,953,037" and insert "81,953,037".

3. In lieu of the Schmit amendment 3, on page 10 as amended, line 15, strike "73,473,657" and insert "88,473,657"; and in line 19 strike "115,594,069" and insert "130,594,069".

Correctly Engrossed

The following bill was correctly engrossed: 204.

(Signed) Donald N. Dworak, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 211
March 22, 1976

Dear Senator Dworak:

You have asked if section 8 of the amendment to L.B. 631 of the Eighty-fourth Legislature, Second Session, is constitutional. That section declares:

> "Any funds which may be appropriated to the School Finance and Transportation Fund, shall be distributed such that every district in the state receives the same amount of funds per unit of average daily membership as every other district, which distribution shall be based upon average daily membership as defined by the State Department of Education for the regular

> school year. Such definition shall include all resident and nonresident students and all students attending schools in Nebraska whether private or public. The distributions shall be based upon average daily membership for the previous school year. The State Department of Education shall determine the amount to be distributed to the various school districts and certify such amounts to the Director of Administrative Services. Each amount shall be distributed in ten, as nearly as possible, equal monthly payments, beginning in September, 1976, and each September thereafter. The Director of Administrative Services shall, upon notification by the State Treasurer that sufficient funds are availably (sic) for payment, draw warrants against funds appropriated."

In connection with the section quoted above it is to be noted that the State Department of Education has adopted an administrative rule which defines average daily membership in connection with school district budget limitations in order to carry out the provisions of Neb.Rev.Stat. Sections 79-4,160 to 79-4,169 (Supp. 1974). That definition, however, does not include students attending private schools. Indeed, the State Department of Education has no record from which it could determine the names of students attending private schools or the county or school district of their residence. Thus the above quoted amendment is not only vague in the constitutional sense it is also unworkable per se.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Member Excused

Mr. Wiltse asked unanimous consent to be excused this afternoon. No objections. So ordered.

GENERAL FILE

LEGISALTIVE BILL 332. Title read. Considered.

Standing Committee amendments found in the Journal on page 778 for the Thirty-fifth Day were rejected with 28 ayes, 1 nay and 20 not voting.

Mr. Schmit offered the following amendment:

1. Strike original sections 1 to 36 and insert the following:

"Section 1. As used in this act, unless the context otherwise requires:

(1) Restricted use shall mean any pesticide which when applied in accordance with its directions for use, warnings, and cautions and for the uses for which it is registered, or for one or more of such uses,or in accordance with a widespread and commonly recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator, such pesticide, or the particular use or uses applied;

(2) Private applicator shall mean a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by such applicator or his or her employer or if applied without compensation, other than trading of personal services between producers of agriculture commodities, on the property of another person; and

(3) Commercial applicator shall mean a certified applicator, whether or not such applicator is a private applicator with respect to some uses. who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided in subdivision (2) of this section.

Sec. 2. The Cooperative Extension Service of the University of Nebraska, through its county extension agents and specialists in the State of Nebraska, shall, in order to certify private and commercial applicators for the use of restricted use pesticides, conduct training sessions on the use of restricted use pesticides. The programs shall be directed towards thorough comprehension and knowledge on the safe use of restricted use pesticides. It shall be the responsibility of the cooperative extension service to schedule regular and frequent training sessions and to issue recommendations of satisfactory training for each private and commercial applicator completing the training to the Director of Agriculture, who shall issue a certificate acknowledging the satisfactory completion of training. Each commercial applicator shall be required to satisfactorily demonstrate competence in the use and handling of pesticides on the basis of a written examination as a prerequisite to certification. Each private and commercial applicator's certificate shall expire four years after the date of issuance.

Sec. 3. The provisions of section 2 of this act shall not require any private applicator to attend any training session or to take any examination to establish competency in the use of any pesticide. If such private applicator has not received any prior instruction, the private applicator shall at the time of purchasing any restricted use pesticide complete A certificate stating that such person is knowledgeable in the use and application of such pesticide.

Sec. 4 The Department of Agriculture shall prescribe the necessary forms and adopt and promulgate such rules and regulations as shall be necessary to carry out the provisions of this act.

Sec. 5. Any person who violates any provision of this act, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than fifty dollars.

Sec. 6 Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Amendment pending.

VISITORS

The President introduced 6 Cadet Girl Scouts, Troop No. 443 and Leaders from Davenport, Nebraska; 18 eighth grade students, teacher and sponsor from Nemaha Vally School, Cook, Nebraska; 26 fourth grade students, teachers and parent from Watson Elementary School, Hastings, Nebraska; 20 senior students and teacher from Waterloo, Nebraska; 22 Cub Scouts – Pack 43, and Den Mothers from Kearney, Nebraska; 35 fourth grade students, parent and teachers from Huntington Elementary School, Lincoln, Nebraska; 14 twelfth grade students and teacher from Brunning, Nebraska; 21 senior students and teachers from Scotia, Nebraska; 50 senior students and teacher from Schuyler, Nebraska; and Mr. and Mrs. Edmund Francke, former Sergeant at Arms of the Legislature from Lincoln, Nebraska.

RECESS

At 11:57 a.m. the Chair declared the Legislature in recess until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:28 p.m., Mr. Mahoney presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel and Wiltse who were excused.

GENERAL FILE

LEGISLATIVE BILL 332. Considered.

The Schmit pending amendment found in this day's Journal was renewed.

PRESIDENT WHELAN PRESIDING

Mr. Mills offered the following amendment to the Schmit amendment:

Line 22 Page Two strike "not." Line 23 strike "any" insert "a", Line 24 strike "any" insert "a", Line 25 strike not

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays and 22 not voting.

The Mills amendment lost with 11 ayes, 19 nays and 19 not voting.

The Schmit amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Mills offered the following amendment:

Page 2, Line 22 strike "not" Line 23 strike "any" insert "a" strike Line 24 and 25 to period.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay and 21 not voting.

MR. SIMPSON PRESIDING

The Mills amendment lost with 4 ayes, 17 nays and 28 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 332A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 6 nays and 17 not voting.

LEGISLATIVE BILL 986. Title read. Considered.

Mr. Savage renewed his amendment referred to in the Journal on page 1313 for the Fifty-fourth Day (Req. No. 2686).

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 863. Title read. Considered.

Standing Committee amendments found in the Journal on page 883 for the Thirty-ninth Day were considered.

Mr. Maresh offered the following amendment to the Standing Committee amendment:

1. Strike section 1 of the committee amendment and renumber remaining sections accordingly.
2. In new section 6, lines 1 and 2 strike "sections 39-1315.01 and" and insert "section".

The amendment was adopted with 21 ayes, 10 nays and 18 not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays and 14 not voting.

Standing Committee amendments were adopted, as amended, with 35 ayes, 1 nay and 13 not voting.

Mr. Chambers offered the following amendment:
Amend LB 863 – To raise the food tax credit to $18.00

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays and 21 not voting.

Mr. Chambers moved for a Call of the House. The motion lost with 4 ayes, 22 nays and 23 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 18:

Bereuter
Burbach
Burrows
Cavanaugh
Chambers
Duis
Fowler
Goodrich
Kelly
Kennedy
Keyes
F. Lewis
Luedtke
Mahoney
Marsh
Mills
Simpson
Warner

Voting in the negative, 27:

Anderson
Barnett
Carsten
Clark
Cope
Dickinson
Dworak
Fitzgerald
George
Hasebroock
Johnson
Kime
Koch
Kremer
R. Lewis
Maresh
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Skarda
Stoney
Stull
Swigart
Syas

Not voting, 4:

DeCamp
Marvel
Schmit
Wiltse

The Chambers amendment lost with 18 ayes, 27 nays and 4 not voting.

Mr. Maresh moved to advance the bill to E & R for Review.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays and 22 not voting.

Mr. Maresh moved for a Call of the House. The motion prevailed with 24 ayes, 12 nays and 13 not voting.

The Call showed 46 members present.

Mr. Maresh requested a roll call vote.

Voting in the affirmative, 26:

Bereuter
Burrows
Carsten
Cavanaugh
Clark
Cope
DeCamp
Dworak
George
Hasebroock
Johnson
Kelly
Kennedy
Kime
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Nichol
Schmit
Simpson
Skarda

Voting in the negative, 20:

Anderson
Barnett
Burbach
Chambers
Dickinson
Duis
Fitzgerald
Fowler
Goodrich
Keyes
F. Lewis
Mills
Murphy
Rumery
Savage
Stoney
Stull
Swigart
Syas
Warner

Not voting, 3:

Marvel
Rasmussen
Wiltse

Advanced to E & R for Review with 26 ayes, 20 nays and 3 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed.

LEGISLATIVE BILL 821. Title read. Considered.

Standing Committee amendments found in the Journal on page 746 for the Thirty-third Day were adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Mills moved to indefinitely postpone.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays and 20 not voting.

The motion to indefinitely postpone lost with 16 ayes, 24 nays and 9 not voting.

Mr. Kremer moved to advance the bill to E & R for Review.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays and 19 not voting.

Advanced to E & R for Review with 26 ayes, 13 nays and 10 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Koch asked unanimous consent to print the following amendments to LB 863 in the Journal. No objections. So ordered.

SELECT FILE AMENDMENT
AMENDMENT TO L.B. 863, AS AMENDED

1. In the Standing Committee amendment to L.B. 863, on Journal page 885 after line 24 insert a new section as follows:

"Sec. 5. The amount of the increase established pursuant to this act shall be distributed by the Tax Commissioner to the county, city, or other political subdivision from which such amount is collected, and the distribution shall be made on a per capita basis in such political subdivision.".

2. Renumber remaining sections accordingly.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 948.

(Signed) Donald N. Dworak, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 164.

Introduced by Chambers, 11th District.

WHEREAS, the United States Supreme Court has established specific parameters for determining the state interest in abortion; and

WHEREAS, a new ethic is emerging in this state and nation concerning the value of the life of the mother and of a viable fetus; and

WHEREAS, the state has an obvious and compelling interest in human welfare as it relates to the availability of abortions; and

WHEREAS, although abortion is recognized as a legitimate surgical method which may be performed in the controlled atmosphere of a hospital, there is deep concern that abortion may be performed by individuals who are unlicensed medical practitioners; and

WHEREAS, there has never been a thorough study performed by the Legislature regarding the availability and performance of abortions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Judiciary Committee conduct a thorough study of abortion practices in this state especially in regard to:

(a) The number and location of licensed, regulated, or controlled institutions performing legitimate abortions;

(b) Any evidence which would tend to determine the number and location of any institutions or individuals in this state performing illegal abortions; and

(c) The conditions under which all abortions in this state were performed.

(2) That the committee, by means of publications, announcements, and other means, attempt to secure the aid of all interested citizens in this state to enable the committee to conduct a complete and useful study.

3. That the committee, at the conclusion of its study submit a report of its findings and any recommendations to the next session of the Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 987. Title read. Considered.

Standing Committee amendments found in the Journal on page 1100 for the Forty-seventh Day were considered.

Mr. Anderson offered the following amendment to the Standing Committee amendments(1):

To amend the committee amendments to LB 987 as follows:
Sec. 107, Line 15, strike "chairman," insert "chairperson".
Line 17, strike "chairman," insert "chairperson".

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment(2):

To amend Committee amendments to LB 987 to eliminate the Governor and Secretary of State as permanent members of the Commission.

Mr. Chambers moved for a Call of the House. The motion lost with 5 ayes, 26 nays and 18 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 11:

Anderson
Bereuter
Burrows
Chambers
Dworak
Fowler
Keyes
R. Lewis
Marsh
Rasmussen
Stull

Voting in the negative, 25:

Burbach
Carsten
Cope
Fitzgerald
George
Hasebroock
Kelly
Kennedy
Kime
Koch
F. Lewis
Luedtke
Mahoney
Maresh
Mills
Moylan
Murphy
Rumery
Schmit
Simpson
Skarda
Stoney
Swigart
Syas
Warner

Not voting, 13:

Barnett
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Goodrich
Johnson
Kremer
Marvel
Nichol
Savage
Wiltse

The Chambers amendment lost with 11 ayes, 25 nays and 13 not voting.

Mr. Cavanaugh offered the following amendment to Standing Committee amendment (3):

Amend LB 987, pg 15, Sec 34 Line 8 after Lobbying add "for hire or on behalf of another"

Strike Committee amendment No. 1

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay and 22 not voting.

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 6:

Bereuter Burrows Cavanaugh Chambers R. Lewis
Skarda

Voting in the negative, 24:

Anderson Barnett Burbach Cope Dworak
Fowler George Goodrich Hasebroock Kennedy
Kime F. Lewis Luedtke Marsh Mills
Nichol Rasmussen Rumery Savage Schmit
Stull Swigart Syas Warner

Not voting, 19:

Carsten Clark DeCamp Dickinson Duis
Fitzgerald Johnson Kelly Keyes Koch
Kremer Mahoney Maresh Marvel Moylan
Murphy Simpson Stoney Wiltse

The Cavanaugh amendment lost with 6 ayes, 24 nays and 19 not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment (4):
Page 2, line 23 – strike "four", insert "five"
line 24 – strike "four", insert "five"
line 25 – strike "except", insert "and"

The amendment lost with 12 ayes, 18 nays and 19 not voting.

Standing Committee amendments were adopted, as amended, with 28 ayes, 2 nays and 19 not voting.

Mr. Skarda asked unanimous consent to be excused. No objections. So ordered.

Mr. Anderson offered the following amendment(5):

AMENDMENT TO LB 987

1. On page 16, line 5 after "letters" insert ", placing telephone calls,".

2. On page 49, line 3, strike "a" and insert

"an annual"; strike "ten" and insert "five"; line 7, strike beginning with "The" through the period in line 11.

3. On page 78 strike lines 1 through 23.

4. Renumber original sections 129 to 134 as sections 127 to 132, respectively.

5. On page 49, line 23, strike "quarter," insert "interim period".

Mr. Kennedy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Anderson amendment was adopted with 27 ayes, 5 nays 17 not voting.

Mr. Keyes moved to indefinitely postpone.

Mr. Keyes moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays and 17 not voting.

Mr. F. Lewis requested a record vote.

Voting in the affirmative, 14:

Burrows Carsten DeCamp Dickinson Duis
Fitzgerald George Johnson Keyes Kime
R. Lewis Moylan Simpson Syas

Voting in the negative, 23:

Anderson Barnett Bereuter Burbach Cope
Dworak Fowler Goodrich Hasebroock Kremer
F. Lewis Luedtke Maresh Marsh Marvel
Mills Murphy Rasmussen Rumery Stoney
Stull Swigart Warner

Not voting, 12:

Cavanaugh Chambers Clark Kelly Kennedy
Koch Mahoney Nichol Savage Schmit
Skarda Wiltse

The motion to indefinitely postpone lost with 14 ayes, 23 nays and 12 not voting.

Mr. Barnett offered the following amendment(7):

AMENDMENT TO LB 987

1. On page 33, line 23, after "year" insert

", if the committee received or expended an amount in excess of $1,000".

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The Barnett amendment was adopted with 27 ayes, 1 nay and 21 not voting.

Mr. Barnett offered the following amendment(8):

AMENDMENT TO LB 987

1. On page 58, line 13 after "held" insert "during the preceding year"; line 15, after "income" insert "or gift"; line 16, after "received" insert "during the preceding year".

Mr. Warner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Barnett amendment was adopted with 33 ayes, 0 nays and 16 not voting.

Mr. Luedtke offered the following amendment(9):

To amend LB 987 on Page 13, Line 7, strike "Twenty-five" and insert "Ten".

Page 21, line 26, after act, insert "and desiring to remain in existence"; page 22, line 1, after the period, insert "Any committee in existence on the operative date of this act and not filing a statement within thirty days after the operative date shall be dissolved."

The amendment was adopted with 27 ayes, 1 nay and 21 not voting.

Mr. F. Lewis offered the following amendment(10):

AMENDMENT TO LB 987 AS AMENDED

(1) Add a new Section 143 to read:

"Section 143. There is hereby appropriated forty-nine thousand nine hundred ninety-nine dollars from the General Fund for the period July 1, 1976, to June 30, 1977, to the Nebraska Political Accountability and Disclosure Commission. Agency No. 61 for Program 017, to aid in carrying out the provisions of this act."

(2) Renumber original Sections 143 and 144 as Sections 144 and 145 respectively.

Mr. F. Lewis moved for a Call of the House. The motion lost with 12 ayes, 15 nays and 22 not voting.

The F. Lewis amendment lost with 16 ayes, 12 nays and 21 not voting.

Mr. Bereuter offered the following amendment(11):

AMENDMENT TO LB 987

Page 50, Line 3, strike the last "and"; Line 4, after "expense", insert ", and (e) lobbyist fees for lobbyist services."

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays and 20 not voting.

The Bereuter amendment was adopted with 27 ayes, 8 nays and 14 not voting.

Mr. Kelly offered the following amendment (12):

Page 36, Line 12 strike "another candidate's committee."

Mr. Kelly moved for a Call of the House. The motion lost with 9 ayes, 20 nays and 20 not voting.

Mr. Kelly requested a record vote on his amendment:

Voting in the affirmative, 18:

Anderson
Bereuter
Burbach
Burrows
Dickinson
Duis
Fowler
Goodrich
Kelly
Keyes
Kime
R. Lewis
Maresh
Marvel
Rasmussen
Schmit
Stoney
Warner

Voting in the negative, 21:

Carsten
Clark
Cope
Dworak
Fitzgerald
George
Hasebroock
Johnson
Kennedy
Kremer
F. Lewis
Luedtke
Marsh
Mills
Nichol
Rumery
Savage
Simpson
Stull
Swigart
Syas

Not voting, 10:

Barnett
Cavanaugh
Chambers
DeCamp
Koch
Mahoney
Moylan
Murphy
Skarda
Wiltse

The amendment lost with 18 ayes, 21 nays and 10 not voting.

Mr. R. Lewis offered the following amendment (13):
Page 40 Strike lines 10 through line 19 inclusive.
Page 42 Line 11 Strike twenty-five and insert fifty.
Line 14 Strike twenty-five and insert fifty.

Mr. Dickinson offered the following amendment to the R. Lewis amendment:
Page 42 lines 11 and 14 strike $50 insert "$99"

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays and 20 not voting.

The Dickinson amendment lost with 17 ayes, 18 nays and 14 not voting.

The R. Lewis amendment was adopted with 28 ayes, 6 nays and 15 not voting.

Mr. Maresh offered the following amendment (14):
Amend LB 987 Page 21, line 15 after the period, strike the remainder of the line; strike lines 16 through 19.

The amendment was adopted with 27 ayes, 7 nays and 15 not voting.

Mrs. Marsh offered the following amendment (15):
1. Strike original section 56.
2. Renumber remaining sections accordingly.

The amendment was adopted with 26 ayes, 5 nays and 18 not voting.

Mr. Luedtke offered the following amendment (16):
At Page 4, line 21, after the capital "A" insert "Partnership or" and after the word "whose" insert "officers, directors or".

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Mills moved to recommit LB 987 to a committee.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 8 nays and 13 not voting.

The Mills motion to recommit to committee lost with 20 ayes, 21 nays and 8 not voting.

Mr. Warner offered the following amendment(17):
Page 5, strike lines 19 through 27.
Page 6, strike lines 1 through 15; line 16, strike "(3)" and insert "(2)".

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays and 19 not voting.

The Warner amendment was adopted with 33 ayes, 5 nays and 11 not voting.

Mr. Bereuter offered the following amendment(18):
Page 1102, first line 24, strike "Within sixty days after the effective date of"; first line 25, strike "this act, the" and insert "The"; first line 26, after "State" insert "not later than February 15, 1977"; first line 2, strike "within ninety days after the" and insert "not later than March 15, 1977"; first line 3, strike "effective date of this act."
Page 1102, strike second line 4 through second line 9; second line 10, strike "of such vacancy" and insert the following:

"Sec. 114. (1) When a vacancy occurs by expiration of a term of office or otherwise, the lists of persons nominated for appointments to fill the vacancy on the Commission shall be submitted to the Governor or Secretary of State not later than fifteen legislative days following the convening of the next regular session of the Legislature. The Governor or Secretary of State shall submit his appointment to the Legislature not later than thirty legislative days following the convening of the aforementioned regular session of the Legislature."

The amendment was adopted with 26 ayes, 2 nays and 21 not voting.

Mr. Dickinson offered the following amendment(19):
Page 64, line 16, after the second period, insert "Except as otherwise provided by law,"

The amendment was adopted with 25 ayes, 2 nays and 22 not voting.

Mr. Chambers offered the following amendment (20):
Add at the end of line 3 of Sec. 107 of Committee amendments:
"The Governor and the Secretary of State shall be nonvoting members."

Mr. Chambers moved for a Call of the House. The motion lost with 18 ayes, 19 nays and 12 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 21:

Anderson
Barnett
Bereuter
Burrows
Carsten
Cavanaugh
Chambers
Clark
Dworak
Fitzgerald
Fowler
Keyes
R. Lewis
Maresh
Marsh
Mills
Savage
Simpson
Stoney
Stull
Syas

Voting in the negative, 20:

Burbach
Cope
Duis
Hasebroock
Johnson
Kelly
Kime
Kremer
F. Lewis
Luedtke
Mahoney
Marvel
Moylan
Murphy
Nichol
Rasmussen
Rumery
Schmit
Swigart
Warner

Not voting, 8:

DeCamp
Dickinson
George
Goodrich
Kennedy
Koch
Skarda
Wiltse

The amendment lost with 21 ayes, 20 nays and 8 not voting.

Mr. Mills offered the following amendment (21):
Strike Section 97

The amendment lost with 11 ayes, 20 nays and 18 not voting.

Mr. Cavanaugh offered the following amendment (22):
Amend LB 987 Pg 48 add a new section to read:

Nothing in these sections shall be construed as to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the Legislature or require any citizen to report or disclose such communications to any public body.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay and 19 not voting.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 16:

Bereuter
Burrows
Carsten
Cavanaugh
Chambers
Duis
Fitzgerald
Fowler
Goodrich
R. Lewis
Marvel
Mills
Moylan
Nichol
Swigart
Syas

Voting in the negative, 27:

Anderson
Barnett
Burbach
Clark
Cope
DeCamp
Dickinson
Dworak
George
Hasebroock
Johnson
Kennedy
Kime
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Murphy
Rasmussen
Rumery
Schmit
Simpson
Stoney
Stull
Warner

Not voting, 6:

Kelly
Keyes
Koch
Savage
Skarda
Wiltse

The Cavanaugh amendment lost with 16 ayes, 27 nays and 6 not voting.

Mr. Warner offered the following amendment (23):
Sec 97 page 58 strike in line 22 starting with the word "The" through lines 23, 24, and 25.

Mr. Warner asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Warner offered the following amendment (24):
Page 58, strike lines 26 and 27; page 59, strike lines 1 through 3 and lines 18 through 21.

MR. CAVANAUGH PRESIDING

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Mr. Warner asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Dickinson offered the following amendment (35):
Strike line 17 thru 20 on page 15

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays and 18 not voting.

The Dickinson amendment was adopted with 25 ayes, 16 nays and 8 not not voting.

Mr. Burrows moved to indefinitely postpone.

The motion lost with 14 ayes, 23 nays and 12 not voting.

Mr. Chambers moved to adjourn until 9:00 a.m., Thursday. The motion lost.

Advanced to E & R for Review with 29 ayes, 8 nays and 12 not voting.

Mr. Chambers moved to adjourn. The motion lost.

LEGISLATIVE BILL 182. Title read. Considered.

Standing Committee amendments found in the Journal on page 733 for the Thirty-second Day were adopted with 32 ayes, 0 nays and 17 not voting.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

UNANIMOUS CONSENT–Change or Order

Mr. Fowler asked unanimous consent to place LB 673 and LB 673A prior to LB 781 on the Speaker's order.

Ruled out of order.

GENERAL FILE

LEGISLATIVE BILL 781. Title read. Considered.

Mr. Goodrich offered the following amendment:

AMENDMENT TO LB 781

1. On page 8, lines 22 and 24, strike "1977" and insert "1976".

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Chambers moved to indefinitely postpone.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays and 20 not voting.

The motion to indefinitely postpone lost with 10 ayes, 20 nays and 19 not voting.

Mr. Maresh offered the following amendment:
To amend LB 781 to strike all references to increase fees.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 0 nays and 15 not voting.

The Maresh amendment lost with 15 ayes, 23 nays and 11 not voting.

Mr. Rasmussen offered the following amendment:
Page 2 Line 4 add after the word "thereto," if required by the County Board.

Mr. Chambers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The Rasmussen amendment was adopted with 25 ayes, 14 nays and 10 not voting.

Advanced to E & R for Review with 28 ayes, 14 nays and 7 not voting.

LEGISLATIVE BILL 781A. Title read. Considered.

Mr. F. Lewis offered the following amendment:
Strike 79,900 insert 1200

Mr. Goodrich offered the following amendment to the F. Lewis amendment:
Strike 1200 insert 35,000

The Goodrich amendment lost with 21 ayes, 11 nays and 17 not voting.

The F. Lewis amendment lost with 9 ayes, 23 nays and 17 not voting.

Mr. Goodrich moved to advance to E & R for Review.

Mr. Goodrich moved for a Call of the House. The motion lost with 18 ayes, 21 nays and 10 not voting.

Mr. Goodrich requested a roll call vote.

Voting in the affirmative, 28:

Anderson Barnett Bereuter Burbach Cavanaugh
DeCamp Dickinson Dworak Fitzgerald George
Goodrich Hasebroock Johnson Keyes Kime
Kremer F. Lewis Marsh Mills Moylan
Murphy Nichol Rumery Savage Schmit
Stoney Swigart Warner

Voting in the negative, 15:

Burrows Carsten Chambers Clark Fowler
Kelly Kennedy R. Lewis Luedtke Maresh
Marvel Rasmussen Simpson Stull Syas

Not voting, 6 :

Cope Duis Koch Mahoney Skarda
Wiltse

Advanced to E & R for Review with 28 ayes, 15 nays and 6 not voting.

LEGISLATIVE BILL 464. Considered.

Mr. Chambers asked unanimous consent to withdraw his amendments found in the Journal on pages 942 and 943 for the Forty-second Day. No objections. So ordered.

Mr. DeCamp offered the following amendment:

AMENDMENT TO LB 464

1. Add a new section to read:
"Section . That section 9-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-103. A license to conduct bingo games may be issued only to:

(1) The State Board of Agriculture solely to conduct games on the state fairgrounds during the state fair;

(2) Any county agricultural society or county fair board solely to conduct games on the premises of and during the county fair conducted by such organization;

(3) Any corporation or voluntary association recognized by the Internal Revenue Service as a nonprofit corporation and exempt from the payment of federal income taxes, as provided by section 501 (c),~~ (4), (5), (6), (7), and (8),~~ Internal Revenue Code of 1954;

(4) Any single incorporated church, or the governing body of any single church that is not incorporated, when such church maintains an established place of worship within this state; and

(5) Any senior citizens recreation program operated by any city or village in the State of Nebraska.

Such license shall not be transferable or assignable, and no license shall be granted to any applicant authorized in this section unless such applicant has been in existence for a period of at lease five years immediately preceding the application for license.

2. Amend the title to conform.

The amendment was adopted with 25 ayes, 7 nays and 17 not voting.

Mr. Chambers moved to indefinitely postpone.

Mr. Chambers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 2 nays and 17 not voting.

Mr. DeCamp requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 22:

Anderson Burrows Carsten Chambers Clark
Dickinson Fitzgerald Hasebroock Johnson Kelly
Kennedy Kremer R. Lewis Luedtke Marsh
Marvel Nichol Simpson Stull Swigart
Syas Warner

Voting in the negative, 19:

Barnett Bereuter Burbach Cavanaugh Cope
DeCamp Duis Dworak George Goodrich
Keyes Kime F. Lewis Mills Moylan
Rasmussen Rumery Savage Schmit

Not voting, 8:

Fowler Koch Mahoney Maresh Murphy
Skarda Stoney Wiltse

The motion to indefinitely postpone prevailed with 22 ayes, 19 nays and 8 not voting.

LEGISLATIVE BILL 590. Laid over at the request of Mr. Murphy.

LEGISLATIVE BILL 565. Laid over at the request of Mr. Fowler.

LEGISLATIVE BILL 926. Title read. Considered.

Standing Committee amendment found in the Journal on page 977 for the Forty-third Day was adopted with 25 ayes, 1 nay and 23 not voting.

Advanced to E & R for Review with 32 ayes, 2 nays and 15 not voting.

MOTION—Reconsider Action on LB 464

Mr. Syas moved to reconsider action on indefinitely postponing LB 464 today.

Mr. Syas moved for a Call of the House. The motion prevailed with 21 ayes, 14 nays and 14 not voting.

The Call showed 44 members present.

Mr. Chambers moved the Call be raised.

The Chair declared the motion prevailed.

Mr. Simpson requested a machine vote on raising the Call. The motion lost with 13 ayes, 25 nays and 11 not voting.

The motion to reconsider action on LB 464 prevailed with 26 ayes, 12 nays and 11 not voting.

GENERAL FILE

LEGISLATIVE BILL 464. The motion to indefinitely postpone, which was reconsidered, was renewed.

The motion to indefinitely postpone lost with 12 ayes, 24 nays and 13 not voting.

Mr. Chambers offered the following amendment:
That all original language be stricken from LB 464.

The amendment was adopted with 28 ayes, 4 nays and 17 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Fowler asked unanimous consent to consider LB 673 and LB 673A at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 673. Title read. Considered.

Standing Committee amendment found in the Journal on page 449 for the Seventeenth Day was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 673A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Warner asked unanimous consent to consider LB 823 on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 823. Title read. Considered.

Standing Committee amendments found in the Journal on page 693 for the Thirtieth Day were adopted with 26 ayes, 1 nay and 22 not voting.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 892 for the Thirty-ninth Day. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

Mr. Chambers asked unanimous consent to consider LB 702 on General File.

Mr. Dickinson objected.

VISITORS

The President introduced 26 junior and senior students and sponsor from Norris High School, Lancaster Co; 33 members and guests from Happy Hour Club, Scotia, Nebraska; Bill Dieleman, member of Iowa House Representatives.

ADJOURNMENT

At 8:37 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Thursday, March 25, 1976.

Vincent D. Brown
Clerk of the Legislature

FIFTY-SIXTH DAY—MARCH 25, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 25, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by The Very Rev. V. Dosenovich, St. Nicholas Serbian Orthodox Church, Omaha, Nebraska.

> We thank Thee, Our Heavenly Father, that this Land is governed by the peoples representatives at our time. Let democratic process be seen at their best in this period of testing.
>
> O Lord, teach us to number our days that we may apply our hearts in wisdom. Time of our life is short, and no one knows how little time he has left. Teach us O Lord, to use our time wisely, our strength, and our talents.
>
> Save us from thinking, even for a moment, that we can feed our souls on material things and vanity. Save us from prevailing delusion of our present day, that the piling up of wealth or comforts can satisfy our inner life.
>
> Save these, Thy servants, the chosen of the people of Nebraska, from the tyranny of the nonessential, from the weary round of that which saps strength ruins nerves, shortens life, and adds nothing to their usefulness to Thee, and to this Nation. Help them to give themselves to the important, and to recognize the trivial when they see it. Let Thy truth be their law. Embrace them, O Lord, and their dear ones at home with Thy love.
>
> This we ask in Jesus name. Amen!

The prayer was chanted.

ROLL CALL

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

Page 1354, line 27, delete "(35)" and insert "(25)".
The Journal for the Fifty-fifth Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

March 24, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 674, 674A, and 797. These bills were signed by me on March 24, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw.

COMMUNICATION

Acknowledged receipt of Resolution 36 from the Commonwealth of Virginia Senate regarding restrictions on Congressional appropriations. (Filed in the Clerk's office)

RESOLUTIONS

LEGISLATIVE RESOLUTION 165.

Introduced by Agriculture and Environment Committee: Maresh, 32nd District; Kennedy, 21st District; Burrows, 30th District; DeCamp, 40th District.

WHEREAS, the Legislature of the State of Nebraska should be made aware of the impact of environmental rules and regulations put upon the financial conditions of agriculture and the capability of agriculture to maintain and improve its needed levels of production; and

WHEREAS, it is necessary that the financial resources of the state be so structured to insure the growth of Nebraska agriculture and to provide the capital requirements of agriculture in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Committee on Agriculture and Environment be authorized to study the present economic impact of environmental rules and regulations upon the financial conditions of agriculture.
2. That an in-depth study of the inadequacies of present financial institutions and the impact of the environmental rules and regulations on the financial condition of agriculture be conducted by the committee.
3. That the committee present to the next regular session of the Legislature its findings together with its recommendations for legislative action.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 166.

Introduced by Agriculture and Environment Committee: Maresh, 32nd District; DeCamp, 40th District; Kennedy, 21st District; Burrows, 30th District.

WHEREAS, the livestock industry in Nebraska is the chief industry of the state; and

WHEREAS, the policy of the federal government in relation to meat imports has had and may continue to have continued adverse effects upon the livestock industry of the state; and

WHEREAS, the present policy of the federal government which places the Department of the State in a dominant position regarding the establishment of quotas for the importation of meat; and

WHEREAS, the State of Nebraska feels that the Department of Agriculture should negotiate meat import quotas based upon the economic condition of livestock producers which also would effect the future supply of meat for the consumer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Environment Committee conduct hearings to gather information and explore available means to establish more equitable quotas which would not be detrimental to Nebraska's livestock industry.
2. That the committee make a report of its findings together with its recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 167.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman, Rumery, 42nd District; Maresh, 32nd District; Dickinson, 31st District; Kennedy, 21st District; DeCamp, 40th District; Kime, 43rd District; Burrows, 30th District.

WHEREAS, plans for the coming harvest in Nebraska are being made now; and

WHEREAS, the Department of Labor's Solicitor's Office has interpreted the Farm Labor Contractor Registration Act to include custom combine and sheep shearing crews to be controlled by provisions of such Act; and

WHEREAS, such interpretation may discourage custom harvest crews from following the harvest in Nebraska if they are not freed from the restriction of such Act; and

WHEREAS, the harvest yield in Nebraska may depend to a large extent upon custom crews harvesting the crop when it is ready; and

WHEREAS, a loss in harvest yield precipitated by the restriction of the Farm Labor Contractor Registration Act could have a dramatic negative impact upon the health of Nebraska's economy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature be placed on record as opposing the interpretation of the Farm Labor Contractor Registration Act by the Department of Labor's Solicitor's Office as it relates to restrictions placed on custom combine and sheep shearing crews.
2. That the Legislature of Nebraska urge the President of the United States to take whatever executive action possible to prevent unnecessary and potentially disastrous regulation of custom combine and sheep shearing crews.
3. That the Clerk of the Legislature forward a copy of this resolution to the President of the United States, the Chairman of the respective House and Senate Labor Subcommittees having jurisdiction with the Farm Labor Contractor Registration Act and to each member of the Nebraska Congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 168.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Burrows, 30th District; Dickinson, 31st District; Kennedy, 21st District; DeCamp, 40th District; Kime, 43rd District; Rumery, 42nd District.

WHEREAS, the sun is one of our most readily available sources of energy which has yet to be fully explored and exploited; and

WHEREAS, the sun is an element of Nebraska's environment which is of major significance to all residents of our state; and

WHEREAS, the grains grown in Nebraska may also yield some of the energy of the sun enparted to them during growth; and

WHEREAS, interest has been shown in establishing centers to research the potential for the direct use of solar energy as well as the processing of grain alcohol as a viable energy source.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Agriculture and Environment Committee conduct an interim study concerning solar and grain alcohol energy resources which shall include, but not be limited to, the following subjects:

a. the feasibility and workability of locating a research facility for the development and use of solar energy at Mead or Omaha, Nebraska;

b. continuing research projects regarding development of a grain alcohol plant in Nebraska and the utilization of the product of such plant in this state; and

c. the financing of such research and production facilities including availability of private investor and producer financing, and the availability of federal and state funds for such projects.

2. That the committee make a report of its findings together with its recommendations for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 169.

Introduced by Murphy, 17th District.

WHEREAS, the various financial institutions in the state under the control of the Department of Banking are of prime importance to the economy of the state; and

WHEREAS, such institutions must be able to operate efficiently under the various state and federal laws; and

WHEREAS, the financial condition of the various institutions is based in part upon compliance with the various state and federal laws.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That an interim study be conducted by the Banking Committee to provide an overview of all financial institutions in the state which are under the control of the Department of Banking.

2. That existing state law be analyzed to determine any changes necessary for compliance with the Financial Institutions Act recently passed by the United States Senate and the Finance Reform Act presently under consideration by the United States House of Representatives.

3. That the committee at the conclusion of its study make a report to the Legislature of its findings and make such recommendations as it deems appropriate.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 170.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Dickinson, 31st District; Burrows, 30th District; Kime, 43rd District; Rumery, 42nd District; Kennedy, 21st District; DeCamp, 40th District; Maresh, 32nd District.

WHEREAS, legislation has been offered providing for training, education, and certification of pesticide applicators both private and commercial; and

WHEREAS, continued interest and concern of citizens for adequate protection of both man and environment may warrant additional legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Environment Committee conduct hearings during the interim to gather additional information concerning the training, education, and certification of pesticide applicators.

2. That the committee study the information received and develop recommendations for any additional legislation deemed necessary relating to these matters.

3. That the committee make a report of its findings together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 171.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Dickinson, 31st District; Burrows, 30th District; Kime, 43rd District; Rumery, 42nd District; Kennedy, 21st District; DeCamp, 40th District; Maresh, 32nd District.

WHEREAS, the handling, shipping, and grading of grain is of substantial importance to the economy of a grain producing state such as Nebraska; and

WHEREAS, the events of recent months have suggested that there has been an increase in grain losses due to theft and other causes; and

WHEREAS, identification of those factors which permit such developments could be of great value in preventing future problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Environment Committee study the handling, shipping, and grading of grain, and how these procedures may effect Nebraska and its economy.

2. That the committee make a report of its findings together with its recommendations for possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 172.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Dickinson, 31st District; Rumery, 42nd District; Kime, 43rd District; Burrows, 30th District; DeCamp, 40th District; Kennedy, 21st District; Maresh, 32nd District.

WHEREAS, the Environmental Protection Agency issues rules and regulations governing a broad spectrum of activity including agriculture and agriculturally related interests; and

WHEREAS, the impact of these rules upon Nebraska and its economy could be far reaching; and

WHEREAS, a study of the impact of these rules as they relate to Nebraska would be of value in the formulation of future legislative activity.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Environment Committee conduct an interim study of Environmental Protection Agency rules and regulations as they relate to and affect Nebraska agriculture and agriculturally related interests.

2. That the committee make a report of its findings together with its recommendations for future legislative activity to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 883. Placed on Select File as amended.
E & R amendment to LB 883:

1. On page 17, lines 5 and 6, and in the title, line 2, strike "Laws 1975, LB 605, section 10,".

LEGISLATIVE BILL 984. Placed on Select File as amended.
E & R amendments to LB 984:

1. Renumber original sections 20 to 27 as sections 21 to 28, new section 28 as section 29, original sections 28 and 29 as sections 30 and 31, new section 30 as section 32, original sections 30 to 49 as sections 33 to 52, the unnumbered section added by the Bereuter amendment as section 53, and original sections 50 to 54 as sections 54 to 58.
2. In renumbered section 29, line 4, strike "provided," and insert "Provided,".
3. In the Carstens amendment, strike "Line 2" and insert "line 20".
4. Insert the Bereuter amendment to page 13 after "Building" in line 21; in line 3 thereof strike "Provided" and insert "; Provided,"; in lines 6 and 8 strike "D.A.S." and insert "Administrative Services"; in line 7 strike "Legislature" and insert "Legislative Council"; and in the last line strike the period.
5. In new section 53, insert "from the" at the end of line 5, and in line 7 insert ", to conduct the study" after "1977".
6. On page 14, line 27, strike "945, Eighty-third" and insert "1006, Eighty-fourth"; and on page 15, line 1, strike "1974" and insert "1976".

LEGISLATIVE BILL 989. Placed on Select File as amended.
E & R amendment to LB 989:

1. In line 1 of the Maresh amendment 3, insert ", before line 1," after "4".

LEGISLATIVE BILL 1006. Placed on Select File as amended.
E & R amendments to LB 1006:

1. On page 2, strike beginning with the comma in line 5 through the comma in line 6.
2. On page 3, line 13, insert an underscored comma after "dollars".
3. On page 8, line 11, strike "67" and insert "24"; and strike lines 12 and 13 and insert "Bill 1004, Eighty-fourth Legislature, Second Session, 1976, be amended to read as follows:".

4. For correlation purposes, on page 9, lines 10 and 11, strike "All money in such fund is hereby appropriated" and insert "There is hereby appropriated two million four hundred thousand dollars from the Nebraska Capital Construction Fund"; in line 12 strike "1973" and insert "1977"; and strike lines 14 to 27.

5. For correlation purposes, on page 10, line 1, strike "~~Third~~ Second" and insert "Second"; strike lines 10 to 12 and through the period in line 13 and insert "Third, any unexpended balances existing on June 30, 1976, in the State Office Building at Omaha Fund are hereby reappropriated for the development of a program statement;"; strike the old matter in line 22, and strike lines 23 to 25; strike the stricken matter inserted at the end of line 25 by the Goodrich amendment; and in line 26 strike "~~Fifth~~ Fourth" and insert "Fourth".

6. For correlation purposes, on page 11, line 9, strike "~~Sixth~~ Fifth" and insert "Fifth".

7. Strike section 9 added by the Goodrich amendments and renumber subsequent sections 10 to 12 as sections 9 to 11.

8. On page 13, strike line 25 and through "1975" in line 26 and insert "24, Legislative Bill 1004, Eighty-fourth Legislature, Second Session, 1976".

9. In the title, line 7, strike "and"; strike lines 9 and 10 and insert "section 24, Legislative Bill 1004, Eighty-fourth Legislature, Second Session, 1976, and sections 21 and 32, Legislative Bill 1004, Eighty-fourth Legislature, Second Session, 1976; to".

LEGISLATIVE BILL 1007. Placed on Select File.

LEGISLATIVE BILL 1008. Placed on Select File as amended.
E & R amendment to LB 1008:

1. In lieu of the Clark amendment, on page 2, line 14, and in the title, line 7, insert ", and section 42, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974" after "1976"; and on page 2, line 14, strike "is" and insert "are".

LEGISLATIVE BILL 1010. Placed on Select File.
LEGISLATIVE BILL 1011. Placed on Select File.

LEGISLATIVE BILL 905. Placed on Select File as amended.
E & R amendment to LB 905.

1. In new section 2, line 6, before "required" insert "as may be".

LEGISLATIVE BILL 972. Placed on Select File as amended.
E & R amendments to LB 972:

1. In committee amendments, page 7, line 3, strike "line 1" and insert "line 2".

2. Renumber new sections 4 to 13 added by committee amendment 5 as sections 5 to 14.

3. Insert the new section added by the Marvel amendment found on pages 1188 and 1189 of the Journal as section 15.

4. Insert the new section added by the Barnett amendment as section 16.

5. Strike committee amendment 6, and renumber original sections 5 and 6 as sections 17 and 18.

6. In committee amendments, page 12, show as stricken the matter stricken by the Marvel amendments.

7. Strike the Marvel amendments to page 20.

8. In the Marvel amendment 6 to page 17, 1975, and Laws 1975, LB 607, section 10, as amended by section 30, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, are repealed.".

12. In the title, strike lines 2 to 9 and insert:

"FOR AN ACT to amend Laws 1975, LB 604, sections 2 and 18, Laws 1975, LB 607, section 22, Laws 1975, LB 610, sections 4 and 8 to 10, Laws 1975, LB 610, sections 11 to 14 with items reduced by line item veto, Laws 1975, LB 604, section 14, as amended by section 14, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, Laws 1975, LB 605, section 10, as amended by section 3, Legislative Bill 581, Eighty-fourth Legislature, First Session, 1975, Laws 1975, LB 605, section 5, as amended by section 22, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, Laws 1975, LB 606, section 2, as amended by section 27, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, and Laws 1975, LB 607, section 10, as amended by section 30, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, relating to".

strike the comma in line 4.

9. In new section 16, strike lines 1 and 2 and insert:

"Sec. 16. That Laws 1975, LB 606, section 2, as amended by section 27, Legislative Bill 6,".

10. In lieu of the Burrows amendments thereto, on page 13, line 26 as amended and page 14, line 1 as amended strike "3,803,913" and insert "3,774,025"; and on page 18, line 4 as amended, strike "28,108,856" and insert "28,078,968"; and in line 11 strike "42,838,671" and insert "42,808,783".

11. On page 20, strike lines 4 to 10 and insert:

"Sec. 17. That original Laws 1975, LB 604, sections 2 and 18, Laws 1975, LB 607, section 22, Laws 1975, LB 610, sections 4 and 8 to 10, Laws 1975, LB 610, sections 11 to 14 with items reduced by line item veto, Laws 1975, LB 604, section 14, as amended by sections 14, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, Laws 1975, LB 605, section 10, as amended by section 3, Legislative Bill 581, Eighty-fourth Legislature, First Session, 1975, Laws 1975, LB 605, section 5, as amended by section 22, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, Laws 1975, LB 606, section 2, as amended by section 27, Legislative Bill 6, Eighty-fourth Legislature, First Special Session,

(Signed) Donald N. Dworak, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 173.

Introduced by DeCamp, 40th District.

WHEREAS, the university of Nebraska Medical Center performs certain services for which a fee is charged; and

WHEREAS, certain elements of the procedure and practice by which such fees are set seem in need of clarification; and

WHEREAS, the Legislature of the State of Nebraska has a substantial interest in all functions performed by the University and the University Medical Center.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTH-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislature shall appoint a committee from among the members of the Legislature to conduct an interim study of the fee setting practice at the University of Nebraska Medical Center.
2. That such committee shall be appointed no later than thirty days after the Second Session of the Eighty-Fourth Legislature adjourns.
3. That such committee shall have all necessary powers to conduct a

thorough study of such fee practice which shall include, but not be limited to, the power to subpoena records of payments made to the University Medical Center by the Department of Public Welfare, Medicare, Medicade, Blue Cross and Blue Shield; reports filed with the Board of Regents; minutes of the meetings of the Board of Regents regarding such matters; and records of outside income earned by University Medical Center personnel.

4. That such committee may hold hearings and shall be empowered to seek and obtain by all means legally available the testimony of any party who may have information concerning this matter including members of the University Administration including D.B. Varner, Robert D. Sparks, Mel Ray and other knowledgeable figures such as A.C. Johnson, Governor James J. Exon, and Stan Matzke.

5. That the committee make a report of its findings together with recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 174.

Introduced by Fowler, 27th District.

WHEREAS, the profession social worker performs a vital role in programs of human services and thus in the conservation of human resources in this state; and

WHEREAS, the persons practicing social work have a vital influence for better or worse on the lives of many people in this state; and

WHEREAS, the consumers of human services in this state deserve the best possible quality of social work services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee serve as an interim study committee to review the need for and consider the feasibility of legislation which would require a license for any person engaged in the practice of social work or any person represented to the public as being a certified social worker, social worker or Social Work Associate.

2. That the committee make a report of its findings and submit recommendations to the next regular session of the Legislature concerning legislation to require the licensing of social workers as defined and described by such legislation.

Referred to the Executive Board.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 176.

A BILL FOR AN ACT to amend section 81-1329, Revised Statutes Supplement, 1974, relating to the personnel system; to provide for minimum salary requirements for full-time state employees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Cope
Dickinson
Duis
Fitzgerald
Fowler
George
Hasebroock
Johnson
Kelly
Keyes
Koch
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Murphy
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Swigart
Syas
Warner
Wiltse

Voting in the negative, 9:

Clark
Dworak
Goodrich
Kennedy
Kime
R. Lewis
Nichol
Rasmussen
Stull

Not voting, 3:

Anderson
DeCamp
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 761. Bill read.

Mr. Duis objected to voting on this bill at this time according to his motion on page 1218, adopted to hold all "A" bills and companion bills until all have reached Final Reading.

Mr. F. Lewis moved to proceed on reading LB 761 and LB 761A on Final notwithstanding the Duis motion.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 7 nays and 13 not voting.

The F. Lewis motion lost with 18 ayes, 23 nays and 8 not voting.

LEGISLATIVE BILL 671.

A BILL FOR AN ACT to amend section 3-611, Reissue Revised Statutes of Nebraska, 1943, relating to county airport authorities; to specify time periods for certain leases; to provide for transfer control of certain leases; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Clark Cope
DeCamp Dickinson Duis Dworak Fowler
George Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime Koch Kremer
F. Lewis R. Lewis Luedtke Maresh Marsh
Marvel Mills Moylan Nichol Rasmussen
Rumery Savage Schmit Simpson Skarda
Stoney Stull Swigart Warner Wiltse

Voting in the negative, 0.

Not voting, 4:

Fitzgerald Mahoney Murphy Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Reconsider Action

Mr. Duis moved to reconsider action on the F. Lewis motion to read LB 761 and LB 761A.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays and 17 not voting.

Mr. Duis asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 711. With Emergency.

A BILL FOR AN ACT relating to cities; to provide that cities of the metropolitan class may establish landmark heritage preservation districts; to authorize the creation of a landmark heritage preservation commission; to prescribe duties and responsibilities; to provide for membership; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Warner	

Voting in the negative, 0.

Not voting, 5:

Kennedy	Murphy	Nichol	Syas	Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 757.

A BILL FOR AN ACT to amend section 79-1007, Reissue Revised Statutes of Nebraska, 1943, and section 79-501, Revised Statutes Supplement, 1974, relating to schools; to make the fiscal year of all school districts uniform; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 3:

DeCamp
Mahoney
Mills

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 859.

A BILL FOR AN ACT to amend section 25-1093.02, Revised Statutes Supplement, 1974, relating to replevin; to change the time in which hearings shall be held; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson
Barnett
Bereuter
Burbach
Burrows
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 5:

Carsten Cope Keyes Mills Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and title agreed to.

LEGISLATIVE BILL 647. With Emergency.

A BILL FOR AN ACT to amend section 81-2,134.03, Reissue Revised Statutes of Nebraska, 1943, relating to frozen food locker plants and processing plants; to exempt plants inspected by the federal government for proper sanitary condition from the licensing and inspection requirements of the State of Nebraska; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Anderson Barnett Bereuter Burbach Burrows
Carsten Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald Fowler
George Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime Koch Kremer
F. Lewis R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Moylan Murphy Nichol
Rasmussen Savage Schmit Simpson Skarda
Stoney Stull Swigart Syas Warner
Wiltse

Voting in the negative, 0.

Not voting, 3:

Cavanaugh Mills Rumery

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 758. With Emergency.

A BILL FOR AN ACT to amend section 79-1345, Reissue Revised Statutes of Nebraska, 1943, relating to the State Department of Education Trust Fund; to provide for an emergency cash fund and its source and use;

to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Koch
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Nichol
Rasmussen	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Mills	Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 759.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to provide methods for signing certificates on bonds; to amend sections 84-304 and 84-321, Revised Statutes Supplement, 1974; to provide additional duties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cavanaugh	Chambers	Clark	Cope
DeCamp	Dickinson	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Koch
Kremer	F. Lewis	R. Lewis	Mahoney	Maresh

Marsh
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 3:

Luedtke
Marvel
Mills

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 775.

A BILL FOR AN ACT to amend section 76-706, Reissue Revised Statutes of Nebraska, 1943, relating to real property; to provide that one appraiser in an eminent domain proceeding shall be a licensed real estate appraiser except as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Warner
Wiltse

Voting in the negative, 0.

Not voting, 7:

Anderson
Barnett
Chambers
Clark
Mills
Murphy
Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 803.

A BILL FOR AN ACT relating to schools; to provide for the distribution of school district funds by the county treasurer.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 2:

Mills
Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 839.

A BILL FOR AN ACT to amend sections 60-1602 and 60-1605, Reissue Revised Statutes of Nebraska, 1943, relating to cabin trailers; to provide a penalty for failing to apply timely for an obtain the annual permit; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
George

Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kime Koch Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Murphy Nichol Rasmussen
Rumery Savage Schmit Simpson Skarda
Stoney Stull Swigart Syas Warner
Wiltse

Voting in the negative, 0.

Not voting, 3:

Barnett Fowler Mills

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 847.

A BILL FOR AN ACT relating to the Department of Aeronautics; to authorize the department to contract with the Civil Air Patrol as prescribed; and to repeal the sections 81-829.67 and 81-829.68, Revised Statutes Supplement, 1974.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Clark Cope
DeCamp Dickinson Duis Dworak Fitzgerald
George Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime Koch Kremer
F. Lewis R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Moylan Nichol Rasmussen
Rumery Savage Schmit Simpson Stoney
Stull Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 5:

Fowler Mills Murphy Skarda Swigart

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 858.

A BILL FOR AN ACT to amend section 76-1442 and 76-1446, Revised Statutes Supplement, 1974, relating to real property; to change the time for serving a summons in an action for possession; to change the time for trial; to change the time for enforcement of an order of restitution; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 3:

Cope
Mills
Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 898. With Emergency.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Department of Public Institutions to sell certain land; and to declare an emergency.

Whereupon the President stated: "All provisions of law realtive to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope

DeCamp Dickinson Duis Dworak Fitzgerald
George Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Koch Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Murphy Nichol Rumery
Savage Schmit Simpson Skarda Stoney
Stull Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 4:

Fowler Kime Mills Rasmussen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 961.

A BILL FOR AN ACT to amend sections 1-135 and 1-136, Reissue Reissue Revised Statutes of Nebraska, 1943, and sections 1-119 and 1-124, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 5 and 7, respecitively, Legislative Bill 619, Eighty-fourth Legislature, Second Session, 1976, relating to accountants; to increase the examination fee for candidates for a certificate of certified public accountant; to provide a certification fee as prescribed; to change management provisions; to increase the corporate bond; to provide for a deductible accountancy liability policy; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson Bereuter Burbach Burrows Cavanaugh
Chambers Clark Cope DeCamp Dickinson
Duis Dworak Fitzgerald Fowler George
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kime Koch Kremer F. Lewis
R. Lewis Luedtke Maresh Marsh Marvel
Moylan Murphy Nichol Rasmussen Rumery
Savage Schmit Simpson Skarda Stoney
Stull Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 4:

Barnett Carsten Mahoney Mills

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 974. With Emergency.

A BILL FOR AN ACT to amend sections 83-217 and 83-222, Reissue Revised Statutes of Nebraska, 1943, and section 83-107.01, Revised Statutes Supplement, 1975, relating to the Beatrice State Home; to change the name; to delete reference to detention and arrest; to provide an operative date; to repeal the orignal sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Clark Cope DeCamp
Dickinson Duis Dworak George Goodrich
Hasebroock Johnson Kelly Kennedy Keyes
Kime Koch Kremer F. Lewis R. Lewis
Luedtke Maresh Marsh Marvel Moylan
Murphy Nichol Rasmussen Rumery Savage
Schmit Simpson Skarda Stoney Stull
Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 5:

Chambers Fitzgerald Fowler Mahoney Mills

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISALTIVE BILL 990.

A BILL FOR AN ACT to amend section 42-103, Reissue Revised Statutes of Nebraka, 1943, relating to husband and wife; to delete reference to idiots; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 1:

Mills

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 995.

A BILL FOR AN ACT to amend section 85-107, Revised Statutes Supplement, 1974, relating to the University of Nebraska; to provide an additional college; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nichol
Rumery
Savage
Schmit
Simpson
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 1:

Skarda

Not voting, 5:

Clark Kime Marvel Mills Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 999. With Emergency.

A BILL FOR AN ACT relating to reversionary interests; to permit the Governor to sell and convey the reversionary interest in a certain public way; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson Bereuter Burbach Burrows Carsten
Cavanaugh Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald Fowler
George Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime Koch Kremer
F. Lewis R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Moylan Murphy Nichol
Rasmussen Rumery Savage Schmit Simpson
Skarda Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 0.

Not voting, 2:

Barnett Mills

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1005. With Emergency.

A BILL FOR AN ACT relating to cities and villages with respect to public power; to provide legislative intent; to provide powers to contract for the generation or transmission of electric power and energy as prescribed; to provide for compliance with laws of other jurisdictions as prescribed; to provide severability; to repeal sections 18-412.03, 18-412.04, and 18-412.05, Revised Statutes Supplement, 1975; and to declare an emergency.

Whereupon the President stated: "All provisions of law realtive to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Barnett
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Johnson
Keyes
Kime
Koch
R. Lewis
Luedtke
Mahoney
Marsh
Mills
Moylan
Murphy
Rumery
Savage
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 12:

Anderson
Bereuter
Clark
Cope
DeCamp
Hasebroock
Kelly
Kremer
Maresh
Rasmussen
Schmit
Simpson

Not voting, 4:

Kennedy
F. Lewis
Marvel
Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 33.

A BILL FOR AN ACT to amend section 79-1529, Revised Statutes Supplement, 1975, relating to the school retirement system; to change the manner in which the retirement allowance shall be determined; and to repeal the original section.

Whereupon the President stated: "All provisions of law realtive to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Anderson
Barnett
Bereuter
Burbach
Burrows

Carsten Cavanaugh Chambers Clark Cope
DeCamp Dickinson Duis Dworak Fitzgerald
Fowler George Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kime Koch
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Mills Moylan Murphy
Nichol Rumery Savage Schmit Simpson
Skarda Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 0.

Not voting, 2:

F. Lewis Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 76. Mr. Kelly asked unanimous consent to withdraw his pending amendment on LB 76. No objections. So ordered.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 394. Bracketed until April 6, 1976 at the request of Mr. Murphy.

LEGISLATIVE BILL 691. E & R amendments found in the Journal on page 1337 for the Fifty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 313. Mr. Cavanaugh renewed his pending amendments found in the Journal on page 1289 for the Fifty-third Day.

Mr. Cavanaugh offered the following amendment to his pending amendment:

1. Line 5 of new matter, strike "August 31st" and insert "September 10th".

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

The Cavanaugh amendment, as amended, was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 136. Read and Considered.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 1202 for the Fifty-first Day. No objections. So ordered.

Mr. Burrows asked unanimous consent to withdraw his pending amendment found in the Journal on page 1236 for the Fifty-second Day. No objections. So ordered.

Mr. Maresh renewed his pending amendment found in the Journal on page 1256 for the Fifty-second Day.

Mr. Warner offered the following amendment to the Maresh amendment:
That Maresh amendment to Resolution No. 136 be amended to add a new section ("4") to the "Therefore Be it Resolved" (4) That the Legislature directs its Executive Board to appoint a committee from the Legislature to be consulted directly in the development of any plans for a Veterinary College to be established within the Old West Regional area; and the Legislature requests the Governor's cooperation toward this cooperative effort.

The Warner amendment was adopted with 27 ayes, 0 nays and 22 not voting.

The Maresh amendment, as amended, was adopted with 27 ayes, 0 nays and 22 not voting.

LR 136 was adopted, as amended, with 35 ayes, 1 nay and 13 not voting.

MEMBER'S BIRTHDAY

The Chair announced that Saturday, March 27th is the birthday of Mr. Mahoney.

RESOLUTIONS

LEGISLATIVE RESOLUTION 153. Read and considered.

Mr. Rumery moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays and 31 not voting.

Mr. Rumery moved the Call be raised. The motion prevailed.

LR 153 was adopted with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE RESOLUTION 160. Read and considered.

Messrs. Kime and Kelly asked unanimous consent to add their names to LR 160. No objections. So ordered.

LR 160 was adopted with 25 ayes, 2 nays and 22 not voting.

LEGISLATIVE RESOLUTION 162. Read and considered.

LR 162 was adopted with 26 ayes, 3 nays and 20 not voting.

LEGISLATIVE RESOLUTION 110. Read and considered.

The Maresh pending amendment found in the Journal on page 251 for the Eighth Day was adopted with 25 ayes, 0 nays and 24 not voting.

Mr. Cavanaugh offered the following amendment:
Amend LR 110 Sec. 2 of the resolved Line 3 after "shall" add "not".

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 19 ayes, 5 nays and 25 not voting.

Mr. Kelly moved the Call be raised. The motion prevailed.

The Cavanaugh amendment was adopted with 27 ayes, 9 nays and 13 not voting.

Mr. Marvel asked unanimous consent to be excused at 11:45 a.m. until he returns. No objections. So ordered.

Mr. Burrows moved LR 110 be adopted.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays and 20 not voting.

Mr. Kelly offered the following amendment:
Strike resolve No. 2

The Chair ruled the amendment out of order after the debate had closed.

Mr. Burrows moved for a Call of the House. The motion prevailed with 18 ayes, 7 nays and 24 not voting.

Mr. Burrows requested a roll call vote.

Voting in the affirmative, 20:

Barnett
Burbach
Burrows
Carsten
Cavanaugh
Dworak
Fitzgerald
Fowler
Kennedy
F. Lewis
Luedtke
Mahoney
Marsh
Mills
Murphy
Rasmussen
Savage
Simpson
Swigart
Warner

Voting in the negative, 13:

Anderson
Clark
Cope
DeCamp
Hasebroock
Kelly
R. Lewis
Maresh
Moylan
Rumery
Schmit
Stull
Syas

Not voting, 16:

Bereuter
Chambers
Dickinson
Duis
George
Goodrich
Johnson
Keyes
Kime
Koch
Kremer
Marvel
Nichol
Skarda
Stoney
Wiltse

LR 110 failed with 20 ayes, 13 nays and 16 not voting.

Mr. Kelly moved the Call be raised. The motion prevailed.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 871 and 871A.

Correctly Enrolled

The following bills were correctly enrolled: 33, 176, 647, 671, 711, 757, 758, 759, 775, 803, 839, 847, 858, 859, 898, 961, 974, 990, 995, 999, and 1005.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 33, 176, 647, 671, 711, 757, 758, 759, 775, 803, 839, 847, 858, 859, 898, 961, 974, 990, 995, 999, and 1005.

RESOLUTION

LEGISLATIVE RESOLUTION 175.

Introduced by Labor Committee: Maresh, 32nd District, Chairman; Rumery, 42nd District; Kime, 43rd District; F. Lewis, 45th District; Fitzgerald, 14th District; Kennedy, 21st District; Rumery, 42nd District.

WHEREAS, working persons are entitled to receive their earned wages; and

WHEREAS, testimony before the Labor Committee indicated that working people had experienced difficulty in obtaining their rightful wages from certain employers; and

WHEREAS, testimony established that certain employers from other states who completed projects in Nebraska left the state without paying their employees; and

WHEREAS, the present judicial method of recovery is a financial burden to the average employee and other methods of recovery should be examined.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Labor Committee study the need for legislation that would create a method of recovery of lost wages from employers who refuse to pay or leave the state.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Reveiw

LEGISLATIVE BILL 434. Replaced on Select File as amended.
E & R amendments to LB 434:

1. In the Schmit printed amendments, strike lines 2 and 3.
2. On page 1, lines 15 and 16, strike "physician retains his" and insert "physicians retain their".
3. On page 2, line 24, strike the first comma.
4. On page 3, strike line 4 and insert "Insurance".
5. On page 4, line 17, strike "sections 36 to 38" and insert "37"; and in line 25 strike "where" and insert "in which".
6. On page 5, insert the new sentence added by the Cavanaugh amendment at the end of line 14.
7. In new section 19, line 2, strike "where"

and insert "when"; and in line 19 insert a comma after "actions".

8. On page 7, insert a comma at the end of line 24.

9. On page 9, line 5, strike "herein provided" and insert "provided in this act"; and in line 16 strike "39 to 45 and 47" and insert "40 to 46".

10. In the DeCamp amendment to page 9, in line 2 insert "(4)" before "Each" and supply paragraphing; strike the quotation marks in lines 5 and 10; and in line 6 strike the hyphen and reinsert it after "Hospital".

11. On page 10, line 1, strike "herein provided" and insert "provided in this section"; in line 13 strike "26" and insert "27"; in line 22 strike the comma; and in line 26 strike "herein".

12. On page 11, line 2 strike "28 to 32" and insert "29 to 31"; in line 21 strike the comma; and in line 23 strike "29" and insert "31".

13. On page 12, insert a period after "act" in line 17 and strike the remainder of the sentence; and in line 24 strike the comma.

14. On page 13, line 10, strike "36 to 38" and insert "37 to 39"; in line 14 strike ", and" and insert "and,"; and in line 21 strike the comma.

15. On page 14, line 16, strike the comma; strike line 19 and insert "law."; and in line 22 strike "26" and insert "27".

16. On page 15, line 2,strike "26 and 36 to 39" and insert "27 and 37 to 39"; in line 5 strike "hereinafter"; in line 6 insert "in section 30 of this act" after "stated"; in lines 8, 17, and 20, strike "36 to 38" and insert "37 to 39"; and in line 21 strike "above" and insert "in subsection (3) of this section".

17. On page 16, strike beginning with "Subject" in line 16 through "all" in line 18 and insert "All".

18. On page 17, line 3, insert "the" after "determining";in line 5 strike "such" and insert "a"; in line 17 strike "against a health care provider" and reinsert the same after "dollars" in line 15; in line 23 strike "36 to 38" and insert "37 to 39"; and in line 27 insert "hundred" after "four".

19. On page 18, line 6, strike "36 to 38" and insert "37 to 39".

20. On page 19, lines 15 and 21, strike the comma; and in line 25 strike "them".

21. On page 20, line 8, insert "by" after "established".

22. In section 34, subsection 2, insert a comma after "may" in line 2 and "party" in line 3; and in line 2 insert "the" after "by".

23. On page 21, line 24, insert "and" after "injury".

24. On page 22, lines 11 and 12, strike "in the manner hereinbefore provided"; and in lines 26 and 27 strike "in the manner herein provided".

25. On page 23, line 6, strike the comma; in line 13 strike "this" and insert "the"; in line 15 strike "hereby, unless" and insert "thereby unless,".

26. On page 24, line 3, strike "36 to 38" and insert "37 to 39"; insert "by the authority" at the end of line 18; in line 19 strike "a supplement" and insert "supplemental"; and insert a period at the end of line 19 and strike line 20.

27. On page 25, line 26, strike the comma; and in line 27 strike "by it".

28. On page 26, line 18, strike "36 to 38" and insert "37 to 39".

29. On page 27, line 1, insert "from the fund" after "reimbursed"; in lines 13 and 14 strike "sections 39 to 45 and 47" and insert "section 41"; and in line 14 strike "is" and insert "has been".

30. On page 28, line 11, insert a comma after "and".

31. On page 29, line 18, strike ", or" and insert "or,".

32. On page 30, line 13, strike ", but" and insert "but,"; and in line 15 insert "a" after "with".

33. On page 31, line 3, strike "their" and insert "its"; insert a comma at the end of line 4; and in line 9 insert "as may be" after "providers".

34. On page 32, insert "or" at the end of line 7; in line 11 strike "; or" and insert a period; in line 24 strike "up to and including" and insert "for"; and strike beginning with "under" in line 26 through "act" in line 27.

35. On page 33, line 11 strike the commas; in line 20 strike "diem" and insert "day"; insert a comma at the end of line 20; in line 22 strike ", and in addition thereto," and insert "and".

36. Renumber original sections 47 to 57 as sections 46 to 56.

37. On page 34, line 27, strike "as herein provided".

38. On page 35, strike line 22 and insert:

"Sec. 47. (1) Medical"; in line 23 strike "will" and insert "shall"; and in line 25 strike "panel" and insert "panels".

39. On page 36, lines 9 and 10, strike "of the State of Nebraska".

40. On page 37, strike the sentence beginning in line 14; in line 23 insert "the" after "in"; and in line 25 strike "board" and insert "commission".

41. On page 38, line 1, insert a period after reappointment" and strike the remainder of the sentence.

42. On page 39, insert a comma at the end of line 19; and in line 22 insert a period after "matter" and strike the remainder of the sentence.

43. On page 41, line 10, insert a comma after "hearing"; in lines 12 and 13 strike "the Director of Health" and insert "he"; in lines 24 and 25 strike "the Director of Health" and insert "him"; and in line 27 insert a comma after "master".

44. On page 42, lines 5 and 6, strike "the Director of Health" and insert "he"; in line 11 and lines 13 and 14, strike "Director of Health" and insert "director"; and in line 16 strike "such" and insert "his".

45. On page 43, strike line 4 and insert "affecting his ability to"; in lines 8 and 9 strike "as therein provided"; and in line 13 strike "in its discretion".

46. On page 44, strike line 2 and insert "privileged communications"; strike line 15 and insert "pursuant to"; in line 16 strike "of"; and strike lines 18 to 22 and insert:

"Sec. 55. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

LEGISLATIVE BILL 826A. Placed on Select File.
LEGISLATIVE BILL 794A. Placed on Select File.
LEGISLATIVE BILL 782A. Placed on Select File.

LEGISLATIVE BILL 779. Placed on Select File as amended.
E & R amendments to LB 779:

1. In section 1, line 3, strike "1975" and insert "1965"; and in line 10 strike "Said" and insert "The".

2. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to assent to the provisions of the Federal
Water Projects Recreation Act as amended;
to provide authority; to provide severability;
and to declare an emergency.".

LEGISLATIVE BILL 806A. Placed on Select File.

LEGISLATIVE BILL 332. Placed on Select File as amended.
E & R amendments to LB 332:

1. In the Schmit amendments, page 2, line 26, strike "the private applicator" and insert "he".

2. In the Schmit amendments, page 3, line 1, strike "such person" and insert "he"; and in line 8, strike the comma.

3. In the title, strike lines 2 to 8 and insert:

"FOR AN ACT relating to pesticides; to provide for the
training and certification of certain
applicators; to provide duties; to provide
penalties; and to declare an emergency.".

LEGISLATIVE BILL 332A. Placed on Select File as amended.
E & R amendment to LB 332A:

1. On page 2, line 11, strike "State".

LEGISLATIVE BILL 986. Placed on Select File as amended.
E & R amendment to LB 986:

1. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT relating to public buildings; to amend section
81-1216, Reissue Revised Statutes of Nebraska,
1943, and sections 72-1119, 72-1120, 81-502,
81-1108.17, 81-1108.18, 81-1108.21, and
81-1108.41, Revised Statutes Supplement,
1974; to harmonize provisions; to change
committee membership; to provide the applicability of rules and regulations; to provide
for donations and the use thereof; to provide
parking regulations; to provide for allocation
of space in the State Capitol; to require a
program statement for any capital construction
project; and to repeal the original sections.".

LEGISLATIVE BILL 863. Placed on Select File as amended.
E & R amendment to LB 863:

1. In the title, line 2, strike "sections 39-1315.01 and" and insert "section"; and strike line 8 and "fications;" in line 9.

(Signed) Donald N. Dworak, Chairman

EXPLANATION OF VOTE

I would like the record to show my vote changed from "nay" to "aye" on LR 160.

(Signed) Gerald D. Koch

SELECT FILE

LEGISLATIVE BILL 883. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 989. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1006. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1007. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1008. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1010. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1011. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 905. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 972. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

VISITORS

The President introduced 26 twelfth grade students and teacher from Silver Creek, Nebraska; 20 eleventh and twelfth grade students and teacher from Walthill, Nebraska; 45 students and teacher form Wesleyan University, Lincoln; 16 senior students from Chester-Hubbel, Chester, Nebraska; 16 twelfth grade students and teacher from Crete, Nebraska; 30 senior students, teachers and sponsors from Friend, Nebraska; 33 eighth grade students and teachers from Wakefield, Nebraska; 14 College students and teacher from Milford Campus Southeast Community College, Milford, Nebraska; Jeff Esser, Liaisson to Nebraska Legislature, National Conference of State Legislatures, Washington D.C.; 35 senior students and sponsors from St. Edwards High School; 14 second grade students and teachers from Arnold Elementary School, Lincoln; 80 twelfth grade students, teacher and sponsors from Burke High School, Omaha; 57 eighth grade students, teachers and sponsor from Ravenna, Nebraska; 18 twelfth grade students and teacher from Homer, Nebraska; Mrs. Mary Krider and Miss Helen Madsen both from Lincoln; 29 freshmen, teacher and sponsors from Aurora, Nebraska; 76 students, teachers and sponsors from Pleasant Dale, Nebraska; and 8 Busyettes from Bradshaw-Hampton Area.

RECESS

At 12:02 p.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Wiltse who was excused; Messrs. Duis and Marvel who were excused until they arrive; Mr. F. Lewis who was absent until 2:00 p.m.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 25, 1976, at 1:30 p.m., were the following bills: 33, 176, 671, 711, 647, 757, 758, 759, 775, 803, 839, 847, 858, 859, 898, 961, 974, 990, 995, 999, and 1005.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 434. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 826A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 794A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 782A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 806A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 779. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 332. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 332A. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 986. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 863. E & R amendments found in this day's Journal were adopted.

Mr. Koch renewed his pending amendment found in the Journal on page 1344 for the Fifty-fifth Day.

Mr. Mills moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 8 nays and 17 not voting.

Mr. Koch asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Maresh moved for a Call of the House. The motion prevailed with 18 ayes, 2 nays and 29 not voting.

Mr. Maresh moved the Call be raised. The motion prevailed.

Advanced to E & R for Engrossment with 27 ayes, 12 nays and 10 not voting.

LEGISLATIVE BILL 984. E & R amendments found in this day's Journal were adopted.

Mr. Savage offered the following amendment:

AMENDMENT TO LB 984

Add a new section to read as follows:
Sec. 43 - Program 950
The Department of Administrative Services is
hereby authorized to develop a detailed program
statement and architectural plans for the relocation and renovation of capitol space to
accomodate operations of agencies including permanent
private offices for each member of the legislature.
There is hereby appropriated $25,000 from the
State Building Fund for the fiscal year ending
June 30, 1977 for program planning.

The amendment was adopted with 31 ayes, 2 nays and 16 not voting.

Mr. Chambers offered the following amendment:

AMENDMENT TO LB 984

1. Add a new section to read as follows:

"Sec. 54. Program 953. The University of Nebraska Medical Center is hereby authorized to develop a program statement and preliminary plans for a facility to provide cardiovascular treatment, research, and education. There is hereby appropriated $25,000 from the State Building

Fund and any available federal and private funds for the
fiscal year ending June 30, 1977, for the development of
the program statement and preliminary plans.".
2. Renumber present sections 54 to 58 as
sections 55 to 59.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays and 17 not voting.

The Chambers amendment was adopted with 26 ayes, 8 nays and 15 not voting.

Advanced to E & R for Engrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 160.

RESOLUTIONS

LEGISLATIVE RESOLUTION 176.

Introduced by Mahoney, 5th District.

WHEREAS, the staff and pages of the Legislature have provided excellent service to the members of the Legislature during the current session; and

WHEREAS, due to the pressure of daily business, expressions of gratitude for such services are sometimes not offered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its gratitude and thanks to the staff and pages of the Legislature for a job well done.

Laid over.

LEGISLATIVE RESOLUTION 177.

Introduced by Koch, 12th District; Luedtke, 28th District; George, 16th District; Stoney, 4th District; Rasmussen, 41st District; Hasebroock, 18th District; Swigart, 8th District.

WHEREAS, the Nebraska National Guard has an important role in the service of the citizens of our state in emergency situations and its armories are established locations that serve the needs of Nebraska communities in many ways; and

WHEREAS, there exists a serious decline in the personnel strength of many National Guard units that could result in the elimination of such units and the possible subsequent loss of armory facilities; and

WHEREAS, the Legislature of Nebraska is concerned about present National Guard personnel problems and feels a responsibility to engage in a complete and comprehension study to define existing problem areas and work toward the resolution of such problems; and

WHEREAS, the administrative functions of the military department of Nebraska effects not only the membership of the National Guard but also the welfare of all Nebraska citizens, directly or indirectly; and

WHEREAS, the Legislature does not presently have statutory authority to confirm any appointed Department Head of the Military Department or hold appropriate hearings relating thereto and thus has no role other than annual budget reviews and new legislation in effecting program or policy change in the National Guard.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature of Nebraska in interim session conduct a complete and comprehensive study of the Military Department in general and of the National Guard, in particular and that the committee to which such study is assigned report its findings and recommendations in writing to the Eighty-Fifth Legislature of Nebraska, First Session.

2. That such study include, but not necessarily be limited to a review of the following:

   A. Reasons for lack of retention of NationalGuard personnel
   B. Problems in recruiting new members into the Nebraska National Guard
   C. Professional, administrative and physical qualifications of all commissioned and non-commissioned officers in the Nebraska National Guard holding command or key administrative positions
   D. All existing Military Department programs and policies effecting recruiting and retention of National Guard personnel
   E. The necessity for charging high rental fees for the use of National Guard armories by agencies of city, county and state government; civic and service organizations; and other organizations, such as Boy Scouts of America, 4-H, and other youth oriented groups
   F. Accounting procedures for all Military Department funds appropriated by the Legislature of Nebraska
   G. The feasibility of a Bi-Annual Performance Audit regarding accountability of Military Department funds

3. That such study be conducted entirely within the State of Nebraska

and that public hearings be held in at least, but not limited to Omaha, Lincoln, Holdrege, Beatrice, and McCook, Nebraska.

Referred to the Executive Board.

MOTION—Reconsider Action on LR 110

Mr. Stoney moved to reconsider action on LR 110.

Motion pending.

UNANIMOUS CONSENT—Member Excused

Mr. Kennedy asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION—Return LB 691 to Select File

Mr. DeCamp moved to return LB 691 to Select File for the following specific amendment:

SPECIFIC AMENDMENT TO LB 691, AS AMENDED

1. In the Schmit amendment (2) to the Standing Committee Amendment to LB 691, found on Journal page 1315, line 5 strike "50,000,000" and insert "30,000,000", line 6 strike "20,000,000" and insert "40,000,000".

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 16 nays and 15 not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Mr. DeCamp requested a record vote on his motion.

Voting in the affirmative, 17:

Anderson	Bereuter	Burbach	Burrows	Clark
DeCamp	George	Hasebroock	Kennedy	Kime
Kremer	R. Lewis	Maresh	Mills	Moylan
Rumery	Stull			

Voting in the negative, 25:

Barnett	Carsten	Cavanaugh	Cope	Dickinson
Duis	Dworak	Fitzgerald	Fowler	Johnson
Keyes	Koch	F. Lewis	Luedtke	Mahoney
Marsh	Marvel	Nichol	Rasmussen	Simpson

Skarda Stoney Swigart Syas Warner

Not voting, 7:

Chambers Goodrich Kelly Murphy Savage
Schmit Wiltse

The DeCamp motion to return LB 691 lost with 17 ayes, 25 nays and 7 not voting.

MOTION—Return LB 691 to Select File

Mr. F. Lewis moved to return LB 691 to Select File for the following specific amendment:

AMENDMENT TO LB 691 (WHITE COPY)

1. On page 55, line 20 strike "173,707" and insert "199,831"; in line 22 strike "333,707" and insert "359,831".

2. On page 56, line 2 strike "223,707" and insert "249,831" and in line 4 strike "3,183,707" and insert "3,209,831".

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 12 ayes, 10 nays and 27 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

The F. Lewis motion to return LB 691 to Select File lost with 12 ayes, 17 nays and 20 not voting.

MOTION—Return LB 691 to Select File

Mr. Anderson moved to return LB 691 to Select File for the following specific amendment:

SPECIFIC AMENDMENT TO LB 691

(1) Add the following new section:

"Sec. 75. If Legislative Bill 799, Eighty-Fourth Legislature, Second Session, 1976, is enacted into law, there is hereby appropriated for the period of July 1, 1976, to June 30, 1977, for the agency named for each program from the specified funds for salaries, wages, and expenses, the sum specified in this section.

Agency No. 03 – Legislative Council
Program No. 122 – Legislative Services

GENERAL FUND	$185,000
PROGRAM TOTAL	$185,000

The amount shown shall be expended to carry out the powers, duties and responsibilities of the agency as described in Legislative Bill 799, Eighty-Fourth Legislature, Second Session, 1976."

(2) Renumber sections 75 to 86 as sections 76 to 87.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Mr. Anderson moved for a Call of the House. The motion prevailed with 17 ayes, 5 nays and 27 not voting.

Mr. Anderson moved the Call be raised. The motion prevailed.

The Anderson motion to return LB 691 to Select File prevailed with 25 ayes, 16 nays and 8 not voting.

SELECT FILE

LEGISLATIVE BILL 691. The Anderson specific amendment found in this day's Journal was renewed.

The amendment lost with 16 ayes, 22 nays and 11 not voting.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 178.

Introduced by Mahoney, 5th District; Simpson, 46th District.

WHEREAS, after nine months of negotiations agreement has been reached on a contract between the Department of Public Institutions and Locals 601, 671, 1188, 1459, and 2502, Council 32 of the American Federation of State, County and Municipal Employees, AFL–CIO concerning many aspects of employment within the department; and

WHEREAS, such contract has no fiscal impact; and

WHEREAS, section 48-837, Reissue Revised Statutes of Nebraska, 1943, requires legislative approval of such contract; and

WHEREAS, approval of such contract would promote harmony within the department.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature approves such contract.

Laid over.

LEGISLATIVE RESOLUTION 179.

Introduced by Bereuter, 24th District.

WHEREAS, there are currently a number of regulatory and reporting activities and procedures involving state agencies and institutions and the citizens of the State of Nebraska; and

WHEREAS, the effect of such regulations, programs and procedures on the Nebraska economy and governmental purchase of goods and services is uncertain; and

WHEREAS, a beginning to examine the state regulatory efforts within the State of Nebraska, including the impact of such regulatory bodies, is long overdue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE, SECOND SESSION:

(1) That the Appropriations Committee of the Legislature of the State of Nebraska undertake an interim study of regulatory programs, procedures, and practices, and the effects thereof.

(2) That the Appropriations Committee gather information and hold hearings and interviews across the state to gather necessary information.

(3) That the Appropriations Committee present a detailed report of its findings and conclusions, along with its recommendations for possible legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 180.

Introduced by Anderson, 37th District.

WHEREAS, the Nebraska Commission on Law Enforcement and Criminal Justice was created by the Legislature in compliance with guidelines established by the Federal Law Enforcement and Assistance Administration to promote and strengthen local programs of law enforcement and prevention and reduction of crime; and

WHEREAS, the Legislature has charged the Commission with responsibility of supervision of the Nebraska Law Enforcement Training Center; and

WHEREAS, the Legislature is studying requirements for security and privacy of criminal records, automated criminal justice record systems, and juvenile justice planning, especially as these matters relate to guidelines and policies established by the LEAA; and

WHEREAS, it is desired that the Legislature review the statutory authority and administrative operation of the Nebraska Commission on Law Enforcement and Criminal Justice.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature appoint the Miscellaneous Subjects Committee to review the organization and functional responsibilities of the Nebraska Commission on Law Enforcement and Criminal Justice and the Nebraska Law Enforcement Training Center.

2. That the review include legislative oversight requirements and improvements to existing legislation, the Commission planning process and region organization structure, programs funded, criminal justice recordkeeping systems, manual and automated, the adequacy of the physical facility of the Training Center and consideration of new requirements to train reserves.

3. That the committee make a report of its findings to the next regular session of the Legislature and present any proposed legislation for the reorganization of the Nebraska Commission on Law Enforcement and Criminal Justice recordkeeping systems pursuant to such report.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 181.

Introduced by Anderson, 37th District.

WHEREAS, The Data Processing Committee of the Nebraska Commission on Law Enforcement and Criminal Justice has worked since August, 1974 to develop a comprehensive criminal justice information system for the State of Nebraska; and

WHEREAS, the federal Department of Justice has issued guidelines since May, 1975 to all states concerning completeness and accuracy, dissemination, and access and review of criminal records; and

WHEREAS, there is a need to examine current statutory provisions and administrative policies of state and local agencies regarding criminal records.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature appoint the Miscellaneous Subjects Committee to review federal, state, and local policies concerning criminal records.

2. That the review include specific examination of completeness and accuracy, dissemination, access and review, computerization and centralization, and administrative coordination of criminal records.

3. That the committee make a report of its findings to the next regular session of the Legislature and present any proposed legislation pursuant to such report.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 182.

Introduced by Anderson, 37th District.

WHEREAS, the compilation of public records involves the citizen's right of individual privacy as well as the public's right to certain information; and

WHEREAS, state and local agencies have varying policies regarding the collection, storage, dissemination and usage of public records; and

WHEREAS, Nebraska statutes do not contain comprehensive language concerning public records.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature appoint the Miscellaneous Subjects Committee to conduct a comprehensive review of both state and local policies concerning the collection, storage, dissemination and usage of public records.
2. That the Miscellaneous Subjects Committee draft comprehensive legislation concerning public records which balances both public and private rights.
3. That the committee make a report of its findings to the next regular session of the Legislature and present any proposed legislation pursuant to such report.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 183.

Introduced by Anderson, 37th District.

WHEREAS, there is a need to provide for the outdoor recreational needs of the citizens of Nebraska; and

WHEREAS, the natural terrain of Nebraska is ideally suited for scenic recreational trails that could be used for such activities as foot travel, equestrian travel, non-motorized travel, and special use by the handicapped; and

WHEREAS, adequate study of the feasibility of such a recreational trail system should be undertaken.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature appoint the Recreational and Constitutional Revision Committee to further study this issue, consult with any appropriate state agencies, and hold any necessary hearings.
2. That the committee make a report of its findings to the next regular session of the Legislature and present any proposed legislation pursuant to such report.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 184.

Introduced by Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Bereuter, 24th District; Goodrich, 20th District; Savage, 10th District; Simpson, 46th District; Johnson, 15th District; Stull, 49th District; Marsh, 29th District.

WHEREAS, timely and detailed information is essential to an effective legislative process; and

WHEREAS, each committee and legislator has a need and a right to information within the time constraints of legislative deliberation; and

WHEREAS, computer technology makes it possible to more fully meet this legislative need; and

WHEREAS, past Legislatures have appropriated considerable amounts of money for the development of automated information systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee study how use of existing information collection, analysis, reporting systems can contribute to the effectiveness of the legislative process.
2. That the committee review the value of existing systems for administrative use within agencies in relation to their cost.
3. That the committee make a report of its findings and recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 185.

Introduced by Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Bereuter, 24th District; Goodrich, 20th District; Savage, 10th District; Simpson, 46th District; Johnson, 15th District; Stull, 49th District; Marsh, 29th District.

WHEREAS, state government is a large, diversified, and continually expanding business in Nebraska; and

WHEREAS, the state's present organizational structure is complex, with numerous similar or related functions being performed concurrently by several agencies, departments, commissions, boards and divisions; and

WHEREAS, the simplicity and efficiency of the administration of state government may be largely hindered by these numerous state agencies and the duplication of such prescribed functions; and

WHEREAS, effective and economical state government has not been of primary concern in creating these various agencies and resulting duplicative functions and that in order to improve the effectiveness of government without curtailing necessary services, the operations of state government must be carefully examined.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee, undertake an examination of these agencies to review completely and systematically each such agency, board, commission, and division, its functions, activities, and services including an identification of major programs and related costs, program relationships, dependencies, and duplications.
2. That the Appropriations Committee further examine administration effectiveness and overall agency efficiency in program implementation.
3. That the Appropriations Committee hold hearings and conduct interviews to provide for both agency and citizen input.
4. That the Appropriations Committee present a detailed report of its findings, conclusions, and recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 186.

Introduced by Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Bereuter, 24th District; Goodrich, 20th District; Savage, 10th District; Simpson, 46th District; Johnson, 15th District; Stull, 49th District; Marsh, 29th District.

WHEREAS, the Department of Health, Education and Welfare has mandated that by July 1, 1976, all states must relate payments for nursing home care to the cost of providing such care; and

WHEREAS, the Department of Health, Education and Welfare has provided insufficient guidance regarding factors to be considered for cost-related reimbursement for nursing home care; and

WHEREAS, cost-related reimbursement for nursing home care has both a financial and social impact on every Nebraska county as well as the state as a whole; and

WHEREAS, it is not possible for the Legislature or any Nebraska county to adequately determine any impact, either financial or social, of cost-related reimbursement for nursing home care without adequate knowledge of what factors will be allowable.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee conduct an interim study on the impact, both financial and social, of mandated cost-related reimbursement for nursing home care to both state and county government.

2. That such study shall include input from representatives from the Department of Health, Education and Welfare, Nebraska Department of Public Welfare, the executive branch of state government, county officials and the nursing home industry.

3. That the Appropriations Committee make a report of its findings, together with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 187.

Introduced by Fowler, 27th District.

WHEREAS, some Nebraska communities experience annual influx of migrant or seasonal agricultural laborers; and

WHEREAS, the housing of such labors is a necessary function of their employment; and

WHEREAS, federal programs regulating this type of housing exist; and

WHEREAS, inadequacies with this type of housing do exist and problems in regulation also exist.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature's Urban Affairs committee study the subject of housing for migrant agricultural laborers and make recommendations to the next full session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 188.

Introduced by Fowler, 27th District.

WHEREAS, increasing railroad traffic due to developing Wyoming coal field projects has and will create railroad and highway crossing conflicts in all Nebraska communities which such traffic passes through; and

WHEREAS, the Legislature has previously authorized by statute the creation of railroad transportation safety districts whose stated purpose is to resolve such conflicts in communities where they exist; and

WHEREAS, the adequacy of the statutes and the coordination of transportation which exists as a result of such districts should be reviewed by the Legislature in light of the increasing conflicts which are bound to develop.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature's Urban Affairs committee review the state statutes governing railroad transportation safety districts and determine if further powers or responsibilities should be authorized by state statutes and make its recommendations to the next full session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 189.

Introduced by Luedtke, 28th District.

WHEREAS, the Nebraska Court Reorganization Act of 1972 permitted the continued existence of municipal court systems functioning separately from the state court system; and

WHEREAS, a merger of these court systems could be of substantial merit to the state and local government entities concerned due to a resulting streamlining of the judicial process as well as favorable economic considerations raised by reducing operating cost; and

WHEREAS, additional information concerning this matter could be of value to the Legislature in any future deliberations on the subject.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee conduct an interim study of the feasibility and workability of merging the state and municipal court systems.

2. That the committee make a report of its findings and its recommendations for possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 190.

Introduced by Bereuter, 24th District; Mills, 44th District; Anderson, 37th District; Rumery, 42nd District; Schmit, 23rd District; Burrows, 30th District; Cope, 36th District; Stull, 49th District; Kremer, 34th District; DeCamp, 40th District; Johnson, 15th District; Keyes, 3rd District; Maresh, 32nd District; Warner, 25th District; Marvel, 33rd District; Carsten, 2nd District.

WHEREAS, the welfare of the citizens of rural Nebraska is a concern of all citizens of the State; and

WHEREAS, services provided to rural citizens are an integral part of their total welfare; and

WHEREAS, there are unique problems associated with the delivery of most services in rural areas due primarily to long distances and sparse populations; and

WHEREAS, the basic need to effectively and efficiently communicate is of paramount importance to rural citizens; and

WHEREAS, quality telephone service is sometimes less than adequate in rural Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE, OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislature designate an interim study committee consisting of at least six members. Such committee shall be constituted in such a manner that several standing committees are involved and that members represent non-metropolitan legislative districts.

2. That the committee is instructed to study the following subjects relative to rural telephone systems:

(a) identify the unique problems and characteristics of rural telephone systems which inhibit the provision of quality service;

(b) propose alternative solutions to the problems identified;

(c) develop and analyze information on the size of telephone exchanges in rural areas and the effect of such geographic and population size upon service; and

(d) to gather whatever additional information is necessary in making an assessment of the situation.

3. That the committee report its findings, together with recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 984. Replaced on Select File as amended.
E & R amendments to LB 984:

1. Insert the new section added by the Savage amendment as section 55 and renumber subsequent sections as sections 56 to 60.

LEGISLATIVE BILL 989. Replaced on Select File as amended.
E & R amendments to LB 989:

1. In committee amendments, page 1, line 7, and page 2, line 4, insert "and Correctional" after "Penal"; and in line 9 strike "and".

2. In the Maresh amendments, lines 5, 11, and 16, insert ", out of the General Fund" after the zip code.

LEGISLATIVE BILL 799. Placed on Select File as amended.
E & R amendments to LB 799:

1. On page 3, insert "and" at the end of line 27.

2. On page 4, line 3, strike "; and" and insert an underscored period.

3. On page 9, lines 5, 16, 20, and 24, insert "of the Legislative Council" after "Board".

4. In committee amendment 1, line 3, insert an underscored comma after "and".

5. Renumber original section 18 as section 17 and sections 19 to 22 in committee amendments as sections 18 to 21.

6. In committee amendments, page 2, insert an underscored comma at the end of lines 1 and 7; in line 5 strike "programs" and insert "program"; in line 11 strike "to"; and in line 27 insert "of the Executive Council" after "Board".

7. Renumber original section 19 as section 22.

8. On page 12, line 26, strike the third comma; and in line 27 strike the comma.

9. Insert the new sections added by the Bereuter amendment as amended as sections 23 to 26.

10. In the Bereuter amendments, page 3, line 4, insert "with" after "cooperate"; and in lines 6 and 7 strike "under this act".

11. Renumber original sections 20 to 35 as sections 27 to 42.

12. On page 18, line 6, strike "26" and insert "33".

13. On page 21, line 14, insert an underscored comma after "Statutes".

14. On page 23, line 14, strike "thereof" and insert "therefor".

15. Renumber section 40 in committee amendments as section 43.

16. For correlation purposes, in committee amendments, page 3, line 8, insert", as amended by section 2, Legislative Bill 759, Eighty-fourth Legislature, Second Session, 1976" after "1974"; in line 18 strike "and"; on page 4, strike the new and reinstate the stricken matter in line 23; after line 23 insert

"(4) Conduct audits and related activities for state agencies, political subdivisions of this state, or grantees of federal funds disbursed by a receiving agency on a contractual or other basis for reimbursement, to assure proper accounting by all such agencies, political subdivisions, and grantees for funds appropriated by the Legislature and federal funds disbursed by any receiving agency. The auditor shall deposit the receipts for such audits and services in the cash fund maintained for the making of cooperative audits.~~; and~~"; and in line 24 strike "~~(4)~~" and insert "~~(5)~~".

17. Strike committee amendment 6.

18. On page 25, line 13 and in the title, line 13, strike "and"; and on page 25, line 14, and in the title, line

14, insert ", and section 84-304, Revised Statutes Supplement, 1974, as amended by section 2, Legislative Bill 759, Eighty-fourth Legislature, Second Session, 1975" after "1974".

19. In the title, strike lines 7 to 9 and insert "to transfer"; and in line 10 insert "to transfer responsibility for performance audits;" after the semicolon.

LEGISLATIVE BILL 821. Placed on Select File as amended.
E & R amendments to LB 821:

1. On page 2, line 10, strike the comma.
2. On page 5, line 10, insert "and" after the comma; and in line 16 strike "based upon".
3. On page 7, line 1, strike "thus adopted"; in line 12 strike "and until"; and in line 27 strike "is authorized and" and insert "may:".
4. On page 8, strike line 1.
5. On page 10, line 25, strike "so adopted".
6. On page 11, line 1, strike "above-mentioned" and after "criteria" and insert "set forth in this section".
7. On page 13, line 12, insert a comma after "shall".

LEGISLATIVE BILL 781A. Placed on Select File.

LEGISLATIVE BILL 673. Placed on Select File as amended.
E & R amendment to LB 673:

1. In the title, line 5, insert "to provide for the manner of payment;" after the semicolon.

LEGISLATIVE BILL 673A. Placed on Select File.

LEGISLATIVE BILL 823. Placed on Select File.
E & R amendment to LB 823:

1. In the title, strike beginning with "and" in line 3 through line 4 and beginning with "to" in line 5 through line 6; and in line 9 strike "section" and insert "sections".

(Signed) Donald N. Dworak, Chairman

REFERENCE COMMITTEE REPORT

LR	Committee
178	Executive Board

(Signed) Eugene T. Mahoney, Chairman

NOTICE OF COMMITTEE HEARING
Executive Board

LR 178 Monday, March 29, 1976 12:00 Noon

(Signed) Eugene T. Mahoney, Chairman

UNANIMOUS CONSENT—Members Excused

Messrs. Skarda and Mahoney asked unanimous consent to be excused at 4:00 p.m. No objections. So ordered.

Mr. Carsten asked unanimous consent to be excused Monday, March 29, 1976. No objections. So ordered.

MOTION—Return LB 691 to Select File

Mr. Kremer moved to return LB 691 to Select File for the following specific amendment:

On White copy page 5 on line 16 and 17 strike $543,275 and insert $583,295

On lines 23 and 24 strike $600,000 and insert $640,000

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 691. The Kremer specific amendment found in this day's Journal was adopted with 25 ayes, 1 nay and 23 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 691 to Select File

Mr. Anderson moved to return LB 691 to Select File for the following specific amendment:

(1) Add the following new section:

"Sec. 75. If Legislative Bill 799, Eighty-Fourth Legislature, Second Session, 1976, is enacted into law, there is hereby appropriated for the period of July 1, 1976, to June 30, 1977, for the agency named for each program from the specified funds for salaries, wages, and expenses, the sum specified in this section.

Agency No. 03 -- Legislative Council
Program No. 122 -- Legislative Services

GENERAL FUND	$160,000
PROGRAM TOTAL	$160,000

The amount shown shall be expended to carry out the powers, duties and responsibilities of the agency as described in Legislative Bill 799, Eighty-Fourth Legislature, Second Session, 1976."

(2) Renumber sections 75 to 86 as sections 76 to 87.

MR. HASEBROOCK PRESIDING

The motion prevailed with 27 ayes, 2 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 691. The Anderson specific amendment found in this day's Journal was adopted with 25 ayes, 5 nays and 19 not voting.

Advanced to E & R for Engrossment with 27 ayes, 1 nay and 21 not voting.

MOTION–Return LB 690 to Select File

Mr. F. Lewis moved to return LB 690 to Select File for the following specific amendment:

Strike the Cavanaugh amendment adopted on pg 1268 of 3/22.

PRESIDENT WHELAN PRESIDING

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays and 18 not voting.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 19 ayes, 12 nays and 18 not voting.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 23:

Barnett Burbach Carsten Cope Dickinson
Fitzgerald Fowler George Goodrich Johnson
Koch F. Lewis Luedtke Marsh Mills
Moylan Rumery Savage Schmit Simpson
Stoney Syas Warner

Voting in the negative, 19:

Anderson Bereuter Burrows Cavanaugh Chambers
Clark Dworak Hasebroock Kelly Kime

Kremer	R. Lewis	Maresh	Marvel	Murphy
Nichol	Rasmussen	Stull	Swigart	

Not voting, 7:

DeCamp	Duis	Kennedy	Keyes	Mahoney
Skarda	Wiltse			

The motion to return LB 690 lost with 23 ayes, 19 nays and 7 not voting.

Carsten moved the Call be raised. The motion prevailed.

SELECT COMMITTEE REPORTS
Education

LEGISLATIVE BILL 148. Indefinitely postponed.
LEGISLATIVE BILL 592. Indefinitely postpone.

(Signed) F. Lewis, Chairman

SELECT FILE

LEGISLATIVE BILL 984. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 989. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 799. E & R amendments found in this day's Journal were adopted.

Laid over.

LEGISLATIVE BILL 821. E & R amendments found in this day's Journal were adopted.

Laid over.

LEGISLATIVE BILL 781A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 673. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 673A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 823. E & R amendments found in this day's Journal were adopted.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 819. With Emergency.

A BILL FOR AN ACT to amend section 48-629, Reissue Revised Statutes of Nebraska, 1943, and section 48-628, Revised Statutes Supplement, 1975, relating to labor; to revise conditions disqualifying individuals from receiving unemployment benefits; to provide for a temporary increase in the contribution rate; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson Barnett Bereuter Burbach Carsten
Clark Cope DeCamp Dickinson Duis
Dworak Fitzgerald George Hasebroock Johnson
Kelly Kennedy Keyes Kime Koch
Kremer F. Lewis R. Lewis Luedtke Maresh
Marsh Marvel Mills Moylan Murphy
Nichol Rasmussen Rumery Savage Schmit
Stoney Stull Swigart Warner

Voting in the negative, 6:

Cavanaugh Chambers Fowler Goodrich Simpson
Syas

Not voting, 4:

Burrows Mahoney Skarda Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—Members Excused

Messrs. R. Lewis and Clark asked unanimous consent to be excused at 5:00 p.m. No objections. So ordered.

MOTION—Return LB 690 to Select File

Mr. Cavanaugh moved to return LB 690 to Select File for the following specific amendment:

AMENDMENT TO AMENDMENTS TO LB 690

PURPOSE: Make specific reductions to program 781 and 783 in the amount of $1,000,000.

(1) On page 11, line 6, strike "10,479,771" and insert "9,979,771"; on line 9, strike "13,261,796" and insert "12,761,796"; and after line 9, insert the following:

"It is the specific intent of the Legislature that the following activities and positions be removed from the 1976-77 operating budget of the University.

a. Central Administration	
1. Executive Undergraduate Dean	38,520
2. Executive Graduate Dean	40,125
3. Assistant Vice President for Academic Affairs	29,993
4. Legal Services	46,960
5. Fringe Benefits	10,254

The total number of dollars expended in FY 1977 for the office of Vice President for Academic Affairs shall not exceed $144,700.

It is the intent of the Legislature that the Attorney General serve as legal counsel to the University of Nebraska.

b. Computer Network-Administrative Computing	148,000
c. UN-L - Campus Administration	26,281
d. UNO - Campus Administration	23,287
e. UNMC - Campus Administration	27,358

(2) On page 11, line 12, strike "14,092,474" and insert "13,592,474"; on line 14, strike "14,385,130" and insert "13,885,130"; and after line 14, insert the following:

"It is the specific intent of the Legislature that the reduction in funding shall be applied to the utility budgets of the three University campuses."

(3) On page 12, line 9, strike "24,701,637" and insert "23,701,637"; and on line 13, strike "140,664,561" and insert "103,664,561".

Mr. Cavanaugh requested a record vote.

Voting in the affirmative, 3:

Burrows Cavanaugh Marvel

Voting in the negative, 25:

Barnett Bereuter Burbach Carsten Cope
Dickinson Goodrich Hasebroock Johnson Kime
Koch Kremer F. Lewis Luedtke Maresh
Marsh Moylan Nichol Rasmussen Rumery
Savage Simpson Stull Syas Warner

Not voting, 21:

Anderson Chambers Clark DeCamp Duis
Dworak Fitzgerald Fowler George Kelly
Kennedy Keyes R. Lewis Mahoney Mills
Murphy Schmit Skarda Stoney Swigart
Wiltse

The motion lost with 3 ayes, 25 nays and 21 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Johnson asked unanimous consent to be excused. No objections. So ordered.

MOTION—Return LB 434 to Select File

Mr. Dworak moved to return LB 434 to Select File for the following specific amendment:

SPECIFIC AMENDMENT TO LB 434, AS AMENDED

1. In the Schmit amendment to LB 434, on page 11, line 1 strike "assessed by this act" and insert "and any special surcharge levied".

2. In the Schmit amendment to LB 434, on page 16, line 16 after "final" insert ", and such claims shall be paid on or before January 15"; line 16 strike "Subject to the "; strike lines 17 through 23 and after the stricken line 23 insert the following:

"(2) The director may, at any time, analyze the fund to determine if the amount in such fund is inadequate to pay in full all claims allowed or to be allowed during the calendar year. Upon such determination, the director shall have the power to levy a special surcharge on all health care providers who have qualified under this act which special surcharge shall be an amount sufficient to permit full payment of all claims allowed against the fund during a calendar year. The special surcharge shall be levied against all health care providers who have qualified under the act on the date of the special surcharge and shall be in an amount proportionate to the surcharge each health care provider has paid to the fund. Such special surcharge shall be due and payable within thirty days after the same is levied."; in line 24 strike "(2)" and insert "(3)".

(1) Strike Section 3 and insert a new Section 3 which reads as follows:

Sec. 3. Health care provider shall mean (1) a physician; (2) a nurse anesthetist; (3) an individual, partnership, corporation, association, facility, institution, or other entity authorized by law to provide professional medical services by physicians or nurse anesthetists; (4) a hospital; or (5) a personal representative as defined in subdivision (33) of section 30-2209, Revised Statutes Supplement, 1974, successor or assignee of any health care provider designated in subdivisions (1) to (4) of this section.

(2) Insert a new section 4 which reads as follows:

Sec. 4. Nurse anesthetist shall mean a person licensed in this state pursuant to sections 71-1,132.04 to 71-1,132.37, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, when acting as an anesthetist on a contract basis or as an employee of a hospital.

(3) Renumber Sections 4 through 57 inclusive as Sections 5 through 58 inclusive.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 434. The Dworak specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Member Excused

Mr. Hasebroock asked unanimous consent to be excused at 5:30 p.m. No objections. So ordered.

MOTION–Return LB 434 to Select File

Mr. Chambers moved to return LB 434 to Select File for the following amendment:
1. Pages 18, line 26 strike "at least 10 days before filing"
2. Page 30, line 19; after "evidence", ADD "in a court of law".

The motion prevailed with 27 ayes, 1 nay and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 434. The Chambers specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Members Excused

Mr. Kremer asked unanimous consent to be excused at 5:45 p.m. No objections. So ordered.

Mrs. Marsh asked unanimous consent to be excused at 5:50 p.m. No objections. So ordered.

Mr. Barnett asked unanimous consent to be excused at 6:00 p.m. No objections. So ordered.

MOTIONS–Return LB 434 to Select File

Mr. Chambers moved to return LB 434 to Select File for the specific amendment (2) found in the Journal on page 1335 for the Fifty-fifth Day.

The motion lost with 11 ayes, 23 nays and 15 not voting.

Mr. Chambers moved to return LB 434 to Select File for the specific amendment (3) found in the Journal on page 1335 for the Fifty-fifth Day.

The motion lost with 8 ayes, 14 nays and 27 not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 690, 883, 972, 1007, 1008, 1010, and 1011.

Correctly Enrolled

The following bill was enrolled: 819.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill and resolutions: LB 819, LR 136, LR 153, and LR 162.

RESOLUTIONS

LEGISLATIVE RESOLUTION 191.

Introduced by Fowler, 27th District.

WHEREAS, the public policies established by the Legislature and the State of Nebraska regarding educational policy and research in state funded institutions of higher education are a matter of public record; and

WHEREAS, certain types of private funding also exist and may or may not be compatible with public policy on education and research which has been established.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee study the role of private funding sources in the publicly funded institutions of higher education and the need for mechanisms to insure the compatibility of the private funding sources practices and policies with established public policies.
2. That the committee report their findings to the next session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 192.

Introduced by Bereuter, 24th District; Anderson, 37th District; Fowler, 27th District.

WHEREAS, the Public Service Commission is responsible for the regulation of services and rates of select intrastate common carriers and utilities; and

WHEREAS, these responsibilities entail millions of dollars annually in rate charges to the citizens of the State; and

WHEREAS, there is some concern for the consistency and uniformity in the application of the rate determination function; and

WHEREAS, it is imperative that adequate funding be provided through appropriations to the Public Service Commission, in order to insure that sufficient resources are at its disposal for the purposes of developing comprehensive and uniform methods and review procedures in all rate and service cases; and

WHEREAS, the Legislature and citizens of the State of Nebraska have an overriding and significant interest in the procedures, methods and resources utilized in all rate cases.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE, SECOND SESSION:

1. That the Appropriations Committee, with the co-signers who are not committee members serving as ex officio members, shall conduct an interim study of resource needs and the methods and procedures utilized by the Public Service Commission.

2. That the committee is instructed to investigate the following subjects relative to funding:

(a) the feasibility and merits of establishing a partial cash fund basis for commission operations wherein the regulated industries would provide a proportionate share of funding needs, with the balance provided by general funds;

(b) the need for augmenting the contractual services portion of the budget which would provide for the hiring of outside professional consultants for certain rate review cases requiring additional expertise; and

(c) any other topics relative to funding which might require special attention.

3. That the committee is instructed to study the following subjects relative to methods and procedures:

(a) those criteria, factors, or formulae used in determining what constitutes an appropriate rate base and rate of return for the common carrier or utility;

(b) those factors or criteria given due consideration in evaluating whether a given rate determination judgement is justified with respect to the level and adequacy of service being provided by the common carrier or utility; and

(c) any other topics or considerations which would further elucidate the performance of the Public Service Commission in its representation of the public interest.

4. That the committee report its findings together with recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 193.

Introduced by Fowler, 27th District.

WHEREAS, the problems of community development and redevelopment, lack of adequate housing and need for community facilities are problems in all Nebraska communities; and

WHEREAS, housing is a particular community development subject which this Legislature needs to examine, including financing of housing, construction and building standards for new and existing housing, statutes governing previously established public housing authorities and current federal programs in housing and community development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee study this area, hold further public hearings, examine their previously authorized study on housing and business investment in detail, draft legislation based on the recommendations of that study and other input given in public hearings.
2. That the committee make their recommendations on this subject to the next full session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 194.

Introduced by Fowler, 27th District.

WHEREAS, some Nebraska cities and unincorporated areas have experienced problems in providing certain urban services and improvements, particularly sewer and water facilities to new growth areas; and

WHEREAS, state statutes determine methods and procedures used in establishing these services; and

WHEREAS, federal, state and local financing are available for providing these services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature's Urban Affairs Committee examine state laws which give cities power to provide such services and federal, state and local financing programs available to provide such services and determine the need for legislation.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 195.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Dickinson, 31st District; Rumery, 42nd District; Burrows, 30th District; DeCamp, 40th District; Kennedy, 21st District; Maresh, 32nd District; Kime, 43rd District.

WHEREAS, prescribed information has been obtained under provisions of the Family Farm and Ranch Reporting Act; and

WHEREAS, the Secretary of State has collected the prescribed forms for family farm and ranch without compiling the information contained therein; and

WHEREAS, no clear concise image of family farm legislation now exists; and

WHEREAS, the family farm is an important economic unit of Nebraska agriculture; and

WHEREAS, it is of great importance that the Legislature have all necessary information regarding corporate and family farm and ranch legislation in order to formulate new legislation with the best information available.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Environment Committee conduct an interim study of corporate and family farm legislation as proposed by other states or other interested parties.
2. That the committee gather and compile existing information from the Secretary of State relating to material gathered by that office according to law.
3. That the committee study and coordinate the most valued portions of such legislation as it may exist in other states and at the federal level of government, and develop a comprehensive proposal for legislative action to be presented to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1006. Replaced on Select FIle as amended.
E & R amendments to LB 1006:

1. In line 6 of E & R 5, strike the first semicolon and show stricken and insert an underscored period.
2. On page 10, line 16, strike the period and insert an underscored semicolon.

3. In the title, line 11 insert ", and also sections 72-1413 to 72-1416, Revised Statutes Supplement, 1974" after "sections".

LEGISLATIVE BILL 313. Replaced on Select File as amended. E & R amendments to LB 313:

1. On page 1, line 2 of the Cavanaugh amendments adopted 3/25, insert "Sec. 12." before "Each"; and in line 19 and 20, strike "said" and insert "the".

2. In the Cavanaugh amendments adopted 3/25, page 3, line 11, strike the second "of" and insert "in" as in the statutes.

3. In the Cavanaugh amendments adopted 3/25, page 3, line 24, insert an underscored comma after "trustees".

4. In the Cavanaugh amendments adopted 3/25, page 4, line 1, insert a comma after "place" as in the statutes; and in line 6, insert an underscored comma after "trustees" and strike the comma and show stricken.

5. In the Cavanaugh amendments adopted 3/25, page 5, line 24, strike the comma; and in line 25 strike "commission" and insert "commissioner".

6. In the Cavanaugh amendments adopted 3/25, page 6, line 11, insert "for a sanitary and improvement district board of trustees" after "election" and insert an underscored comma after "contested".

7. In E & R 2, line 4, strike "31-353" and insert "31-753".

8. Strike E & R 4.

9. In line 13 of the Cavanaugh amendment 10, adopted 2/19, strike "assessment" and insert "assessments".

10. Show as stricken the old matter stricken by the Cavanaugh amendment 15, adopted 2/19.

11. On page 16, line 23, strike "of the metropolitan city" and show stricken.

12. In the title as amended, line 6, strike "31-739," and insert "31-735,".

13. In E & R 24, line 10, insert "to change election provisions;" after the semicolon.

LEGISLATIVE BILL 691. Replaced on Select File as amended. E & R amendment to LB 691:

1. In lieu of the Kremer amendments adopted 3/25, on page 5, as amended, lines 16 and 17, strike "554,289" and insert "594,289"; and in lines 23 and 24 strike "613,013" and insert "653,013".

LEGISLATIVE BILL 781. Placed on Select File as amended.
E & R amendments to LB 781:

1. For correlation purposes, on page 3, line 20, insert ", as amended by section 1, Legislative Bill 329, Eighty-fourth Legislature, First Session, 1975" after "1943"; and on page 4, line 3, insert "Each county shall furnish office space for the administration of the operator's license examination." after the period.

2. For correlation purposes, on page 5, line 10, insert ", as amended by section 2, Legislative Bill 329, Eighty-fourth Legislature, First Session, 1975" after "1943"; and in line 26 strike "~~Five~~ Ten" and insert "~~Twenty~~ Twenty-five".

3. On page 9, lines 5 and 6, strike "60-404, 60-406, 60-409," and insert "60-406"; in line 7, strike "and"; and in line 8 insert ", and sections 60-404 and 60-409, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 2, Legislative Bill 329, Eighty-fourth Legislature, First Session, 1975" after "1975".

4. In the title, line 2, strike "60-404, 60-406, 60-409," and insert "60-406"; in line 4, strike "and"; in line 5 insert ", and sections 60-404 and 60-409, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 2, Legislative Bill 329, Eighty-fourth Legislature, First Session, 1975" after "1975"; and in line 7 insert "as prescribed" after "licenses".

LEGISLATIVE BILL 926. Placed on Select File as amended.
E & R amendments to LB 926:

1. In committee amendments, page 2, line 7, insert an underscored comma after "consents".

2. In committee amendments, page 5, insert an underscored comma after "welfare" in line 12, and "and" and "caretaker" in line 16.

3. In the title, strike lines 2 to 8 and insert:

"FOR AN ACT relating to child support; to amend sections 42-821 and 43-512.01, Reissue Revised Statutes of Nebraska, 1943, and section 42-358, Revised Statutes Supplement, 1975; to provide detailed procedures for the collection of child support payments; to provide for the determination of paternity; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 464. Placed on Select File as amended.
E & R amendments to LB 464:

1. Number the section added by the DeCamp amendment adopted 3/24 as section 1.

2. Insert a new section to read:
"Sec. 2. That original section 9-103,
Reissue Revised Statutes of Nebraska, 1943, is repealed.".
3. In the title, strike lines 2 to 8 and
insert:
"FOR AN ACT to amend section 9-103, Reissue Revised Statutes
of Nebraska, 1943, relating to bingo; to change
a qualification for a license; and to repeal
the original section.".

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 1006. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 313. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 691. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 781. E & R amendments found in this day's Journal were adopted.

Laid over.

LEGISLATIVE BILL 926. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 464. E & R amendments found in this day's Journal were adopted.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 25, 1976, at 6:00 p.m., was the following bill: 819.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION—Return LB 806 to Select File

Mr. Cavanaugh moved to return LB 806 to Select File for the following specific amendment:

1. Page 48, line 22, strike "six" and insert "nine".
2. Page 49, line 25, strike "six" and insert "nine".
3. Page 49, line 27, strike "53" and insert "82"; strike "60" and insert "86".
4. Insert a new section as follows: "Sec. 92. Since an emergency exists, this act shall be in full force and effect, from and after its passage and approval, according to law."
5. Renumber section 92 as section 91.

Mr. Savage moved for a Call of the House. The motion prevailed with 18 ayes, 3 nays and 28 not voting.

Mr. Savage requested a roll call vote.

Voting in the affirmative, 30:

Anderson
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
DeCamp
Dickinson
Dworak
Fitzgerald
Fowler
George
Goodrich
Kelly
Kennedy
Koch
F. Lewis
Luedtke
Marvel
Moylan
Murphy
Rasmussen
Rumery
Savage
Stoney
Stull
Swigart
Syas
Warner

Voting in the negative, 0.

Not voting, 19:

Barnett
Clark
Cope
Duis
Hasebroock
Johnson
Keyes
Kime
Kremer
R. Lewis
Mahoney
Maresh
Marsh
Mills
Nichol
Schmit
Simpson
Skarda
Wiltse

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 806. The Cavanaugh specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Unbracket LB 579

Mr. F. Lewis asked unanimous consent to unbracket LB 579 on final reading. No objections. So ordered.

UNANIMOUS CONSENT—Members Excused

Messrs. Koch and Duis asked unanimous consent to be excused. No objections. So ordered.

MOTION—Return LB 76 to Select File

Mr. F. Lewis moved to return LB 76 to Select File for the following specific amendment:

1. Strike original sections 1 and 2 and insert the following:

"Section 1. That section 24-201.01, Revised Statutes Supplement, 1974, be amended to read as follows:

24-201.01. As soon as the same may be legally paid under the Constitution of Nebraska, the Chief Justice and Judges of the Supreme Court shall each receive an annual salary of ~~thirty-five~~ thirty-nine thousand ~~five~~ seven hundred fifty dollars and the Governor shall receive an annual salary of twenty-five thousand dollars. The Chief Justice and the Judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 2. That section 24-301.01, Revised Statutes Supplement, 1974, be amended to read as follows:

24-301.01. As soon as the same may be legally paid under the Constitution of Nebraska, each judge of the district court and each judge of a separate juvenile court shall be paid a salary of ~~thirty-two~~ thirty-six thousand five hundred dollars per annum. Each county in their respective districts having a population of one hundred fifty thousand or more according to the last federal census, or according to any succeeding federal census, shall pay to each district judge and each judge of a separate juvenile court located within the judicial district a supplemental salary of fifteen hundred dollars per annum. Such supplemental salary of a district judge shall be payable as other salaries in such county out of the county treasury in addition to the salary paid to the district judges out of the state treasury, and such supplemental salary of a judge of the separate juvenile court shall be paid as other salaries in such court out of the county treasury. Such salary shall be payable in equal installments. Judges of the district courts and judges of the separate juvenile court shall be considered to be of the same class and when one member of the class, either as a judge of the district court or a judge of the separate juvenile court, is entitled to a raise in salary, all members of the class including judges of the district court and judges of the separate juvenile court shall be entitled to such raise in salary.

Sec. 3. That section 24-513, Revised Statutes Supplement, 1975, be amended to read as follows:

24-513. As soon as the same may be legally paid under the Constitution of Nebraska, each county judge shall receive an annual salary of ~~twenty-four~~ twenty-five thousand four hundred forty dollars per year, except that each county judge in a county judge district having a population of one hundred fifty thousand or more according to the latest federal census shall receive an annual salary of ~~twenty-nine~~ thirty thousand seven hundred forty dollars per year. Each county in its respective district having a population of one hundred fifty thousand inhabitants or more, according to the most recent federal decennial census, may pay to each county judge serving within the judicial district a supplemental salary of two thousand five hundred dollars per annum. The county board shall decide by a majority vote of all members elected whether the county judges serving within the county shall receive such supplemental salary. If the county board votes in favor of such supplemental salary, it shall be payable as other salaries in such county out of the county treasury in additional to the salary paid to the county judges out of the state treasury, and such salaries shall be payable in equal monthly installments. Judges of the county court shall be considered to be of the same class and when one member of the class, as a judge of the county court, is entitled to a raise in salary, all members of the class shall be entitled to such raise in salary. All county judges shall be compensated for necessary travel expenses in the same manner as judges of the district court. Salaries of associate county judges, clerks, and other employees of the court shall be set by the county judges, subject to the conditions of this section. When the county clerk serves as clerk of the county court, he shall receive one thousand dollars annually for such duties, in addition to the salary established pursuant to law for the county clerk. When the county clerk also serves as an associate county judge, he shall receive a minimum additional salary of one thousand dollars annually for such duties. The minimum salary for an associate county judge shall be twenty-four hundred dollars annually, but this minimum shall not apply to associate county judges appointed to serve on a pro tempore basis. The maximum salary for an associate county judge shall be three-fourths of the salary of a county judge, and this limitation shall apply when the same person is both associate county judge and clerk of the county court. In setting salaries for associate county judges, the county judges shall consider the caseload for the associate county judge and the amount of time he will actually be engaged in his duties. Salries of associate county judges must be approved by the Supreme Court.

Sec. 4. That section 26-106, Revised Statutes Supplement, 1974, be amended to read as follows:

26-106. As soon as the same may be legally paid under the Constitution of Nebraska, each judge of the municipal court in a city of the metropolitan or primary class shall be paid a salary of ~~twenty-nine~~ thirty-three thousand ~~five hundred~~ dollars per annum, except as provided in section 26-103.01. In cities of the metropolitan or primary class the clerk of the court shall receive such salary as may be fixed by the city council. The employees and assistants of the clerk of the municipal court in a city of the metropolitan or primary class shall receive such salary as may be fixed by the city commission or council. All salaries shall be paid out of the general fund of such cities.

Sec. 5. That section 48-159, Revised Statutes Supplement, 1974, be amended to read as follows:

48-159. (1) As soon as the same may be legally paid under the Constitution of Nebraska, each judge of the Nebraska Workmen's Compensation Court shall receive an annual salary of ~~thirty~~ thirty-four thousand ~~five~~ two hundred fifty dollars, payable in the same manner as the salaries of other state officers are paid. The clerk and all other assistants and employees of the court shall receive such salaries as the court shall determine, but not to exceed the amount of the appropriation made by the Legislature for such purpose. Such salaries shall be payable in the same manner as the salaries of other state employees are paid. Such assistants and employees shall not receive any other salary or pay for their services from any other source.

(2) In addition to the salaries, as provided by subsection (1) of this section, the judges of the court, the clerk, and other assistants and employees of the court shall be entitled, while traveling on the business of the court, to be reimbursed by the state for their necessary traveling expenses, consisting of transportation, subsistence, lodging, and such other items of expense as are necessary, to be paid in the same manner as other claims against the state.

Sec. 6. Sections 1 to 4 of this act shall become operative on the first Thursday after the first Tuesday in January 1977. Section 5 of this act shall become operative on January 1, 1977.

Sec. 7. That original sections 24-201.01, 24-301.01, 26-106, and 48-159, Revised Statutes Supplement, 1974, and section

24-513, Revised Statutes Supplement, 1975, are repealed.

2. In the title strike lines 2 through 7 and insert:

"FOR AN ACT to amend sections 24-201.01, 24-301.01, 26-106, and 48-159, Revised Statutes Supplement, 1974, and section 24-513, Revised Statutes Supplement, 1975, relating to judges; to provide for an increase in judges' salaries as prescribed; to provide operative dates; and to repeal the original sections.

MR. . SIMPSON PRESIDING

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay and 23 not voting.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

Mr. Dickinson requested a ruling of the Chair on whether this amendment was germane.

The Chair ruled the amendment was germane.

Mr. Dickinson moved the Call be raised. The motion prevailed with 25 ayes, 4 nays and 20 not voting.

The motion to return LB 76 to Select File prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 76. The F. Lewis specific amendment found in this day's Journal was renewed.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 19 ayes, 6 nays and 24 not voting.

Mr. Savage moved the Call be raised. The motion prevailed.

The F. Lewis specific amendment was adopted with 25 ayes, 7 nays and 17 not voting.

Advanced to E & R for Re-Engrossment with 26 ayes, 7 nays and 16 not voting.

MOTION—Return LB 76 to Select File

Mr. Kelly moved to return LB 76 to Select File for the following specific amendment:

AMENDMENT TO LB 76

1. On page 1, line 8 after "of" strike "twenty-five" and insert "~~twenty-five~~ forty";

The motion lost with 17 ayes, 7 nays and 25 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Burbach asked unanimous consent to be excused Monday, March 29, 1976. No objections. So ordered.

VISITORS

The President introduced 33 seventh and eighth grade students and teachers from District No. 87, Madison County, Norfolk, Nebraska; 28 eighth grade students and sponsors from Axtell, Nebraska; Mr. and Mrs. Don Reynoldson, Sue Reynoldson, Crawford, Nebraska.

ADJOURNMENT

At 6:45 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Monday, March 29, 1976.

Vincent D. Brown
Clerk of the Legislature

FIFTY-SEVENTH DAY—MARCH 29, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 29, 1976

Pursuant to adjournment, the Legisalture met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal Father, give us a careful analysis of the issues before us, but as well a respect for and a patience with all of our colleagues. For problems that seem to be on dead center, lead this body toward perseverance and openness rather than frustration and defeat. When difficulties face us, may we find new roads until the impossible becomes possible and the possible becomes successful. So help us through this day to do our work with integrity and with the best that is in us. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach and Carsten who were excused; and Mr. Anderson who were excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 893, line 3, show the word "~~ten~~" as stricken at the end of line 18 of the amendment.
The Journal for the Thirty-Ninth Day was approved as corrected.

Page 1383, line 19, correct spelling of "respectively".
Page 1418, line 12 correct spelling of "postponed".
The Journal for the Fifty-sixth Day was approved as corrected.

ATTORNEY'S GENERAL OPINIONS

Opinion No. 213
March 25, 1976

Dear Senator Clark:

You have asked our opinion on the validity of sec. 85-111.01 and further ask whether or not the section should be amended to be valid. The section was enacted as a part of L.B. 1059, Eighty-third Legislative Session, Second Session, 1974, as Section 19. In answering your question we would refer you to our letters dated March 25, 1974, Opinion of the Attorney General to Governor Exon, printed on page 1313 of the Legislative Journal in 1974; letter to Senator George Syas, March 16, 1976; letter to Senator Glenn A. Goodrich, dated March 17, 1976; letter to Senator Robert L. Clark, dated March 17, 1976; and letter to Robert L. Clark of an even date with this letter. In each of those letters we have stated our opinion that substantive legislation included within an appropriations bill violates Article III, section 14 and section 22.

The provision to which you have reference was enacted as part of appropriations bill. It does not bear a relationship to appropriations and constitutes separate subjects within one bill. In addition it is intended by its terms to be effective beyond the expiration of the appropriation bill within which it is contained. The provision for that reason, in our opinion, is constitutionally defective. It, at most, may be construed as directory of the action required under the bill. In order to be effective, sec. 81-111.02 would need to be reenacted by the Legislature in the normal manner for enactment of bills.

It is our further opinion that the Revisor of Statutes was incorrect in placing this section in the permanent volumes of the statutes by the terms of L.B. 1059, 1974 Session. That bill expired at the end of the fiscal year 1974-1975. Section 19 would not remain in effect after that time, even if it were in effect during the fiscal year.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 214
March 26, 1976

Dear Senator Clark:

In your letter of March 23, 1976 you ask whether the Revisor of Statutes should include provisions contained in an appropriations bill in the permanent statutes. You specifically direct your question to matters that appear in appropriations bills that are not related to the appropriation bill itself, such as language that by its terms direct or control administrative action; matter which by its terms is intended to be effective from the time of enactment until repealed or amended; or amends or repeals existing legislation without complying with the provisions of Article III, section 14.

It is our opinion that the constitutional provisions relating to appropriations bills read together point to a clear conclusion that appropriations bills shall be restricted to making appropriations. Article III, section 14 provides in part:

> ". . . No bill shall contain more than one subject, and the same shall be clearly expressed in the titled (sic). And no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. . . . "

These two sentences proscribe two acts which occur when language is inserted in appropriations bills which do not deal with appropriations. First, more than one subject is contained within the appropriation. Language that is not clearly appropriative in character violates that provision which states that no more than one subject shall be contained in a bill. Secondly, if the provisions inserted in appropriations bills relate to sections previously enacted in such a manner that they amend the section or change the manner under which action is to be taken they violate the provision that sections amended must be contained within the act, nor is the prior act repealed, in violated of this constitutional provision.

Similar thoughts are contained in Article III, section 22 of the Constitution which specifically relates to appropriations. It provides:

> "Each Legislature shall make appropriations for the expenses of the Government. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to the Legislature. Bills making appropriations for the pay of members and officers of the Legislature, and for salaries of the officers of the Government shall contain no provision on any other subject."

The last sentence of section 22 specifically provides that bills which make appropriations for the officers of government shall contain no provision on any other subject. Where language is included which effects matters other than appropriations that language is in violation of Article III, section 22. In addition, Article III, section 22, prior to the amendment in 1972, provided:

> "Each Legislature shall make appropriations for the expenses of the Government until the expiration of the first fiscal quarter after the adjournment of the next regular session, and all appropriations shall end with such fiscal quarter. . . . "

Each Legislature must appropriate for the expenses of government. The Supreme Court has held that the language quoted prohibited continuing legislative appropriations. Rein v. Johnson, 149, Neb. 67, 30 N.W.2d 548; State v. Moore, 50 Neb. 88, 69 N.W. 373; and Stahmer v. State, 192 Neb. 63, 218 N.W. 2d 893. In Stahmer, decided after the amendment, the Supreme Court indicated that although the particular act under consideration was not an appropriation if it was it might well have been unconstitutional as violating this provision. The court stated:

> "... It is evident that the directions given are intended to remain in effect through ensuing years but the basic question is whether or not this is an appropriation bill or act. If it is, the act may well be unconstitutional. . . ." (Emphasis added.) 192 Neb. at 66.

Where an act is unquestionably an appropriations bill and the language contained in the act is intended to continue in effect after the expiration of the appropriation it would in our opinion violate Article III, section 22.

The Governor is given certain powers in relationship to the introduction of bills in the Legislature. Article IV, section 7 provides:

> "The Governor may, at the commencement of each session, and at the close of his term of office and whenever the Legislature may require, give by message to the Legislature information of the condition of the state, and shall recommend such measures as he shall deem expedient. At a time fixed by law, he shall present, by message, a complete itemized budget of the financial requirements of all departments, institutions and agencies of the state and a budget bill to be introduced by the Speaker of the Legislature at the request of the Governor. Said budget bill shall be prepared with such expert assistance and under such regulations as may be required by the Governor. No appropriations shall be made in excess of the recommendation contained in such budget including any amendment the Governor may make thereto unless by three-fifths vote of the Legislature, and such excess so approved shall be subject to veto by the Governor."

Under the section quoted above the Governor may introduce both bills and separately a budget bill clearly setting forth the distinction between the appropriative process and the legislative process by which bills are enacted to provide for the general laws of the state. Again in Article IV, section 15 this separation is recognized. Article IV, section 15 provides in part:

> "Every bill passed by the Legislature, before it becomes a law, shall be presented to the Governor. If he approves he shall sign it, and thereupon it shall become a law, but if he does not approve or reduces any item or items of appropriations, he shall return it with his objections to the Legislature, ... The Governor may disapprove or reduce any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken thereform (sic), and the items reduced shall remain as reduced unless repassed in the manner herein prescribed in cases of disapproval of bills." (Emphasis added.)

Thus the line item veto power is separately recognized for appropriations purposes and for other legislative enactments, thus reinforcing the separation of legislative duties between appropriations acts and substantive legislation.

Construing each of the constitutional provisions above cited together we believe that it is clear that the legislative process must be divided between bills to appropriate money for the expenses of government and the pay of officers of government and bills to create substantive laws. Therefore language contained in appropriations bill which is not appropriative but substantive is ineffective and should not be included by the Revisor of Statutes in the permanent volume of the statutes.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

MOTION–Rule Change

SUGGESTED RULE CHANGE:

Legislative Rule 7, Section 2 (b) shall be amended to read as follows:

(b) If a machine vote is called for or if the presiding officer is in doubt, he shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the House while the House is under Call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board. When an electric roll call is taken, the tabulation of votes shall not be disclosed except to the clerk and the presiding officer until the voting machine is locked.

(Signed) William R. Skarda

Referred to the Rules Committee.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 434. Replaced on Select File as amended.
E & R amendments to LB 434:

1. In the Dworak amendments adopted 3/25, line 15, insert a comma after "act"; and in line 19 strike "the" and insert "this".

2. In lieu of sections 3 and 4 in the Dworak amendments adopted 3/25, in the Schmit amendments strike section 3 and insert:

"Sec. 3. (1) Health care provider shall mean (a) a physician; (b) a nurse anesthetist; (c) an individual, partnership, corporation, association, facility, institution, or other entity authorized by law to provide professional medical services by physicians or nurse anesthetists; (d) a hospital; or (e) a personal representative, as defined in subdivision (33) of section 30-2209, Revised Statutes Supplement, 1974, who is successor or assignee of any health care provider designated in subdivisions (a) to (d) of this subsection.

(2) Nurse anesthetist shall mean a person licensed in this state pursuant to sections 71-1,132.04 to 71-1,132.37, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, when acting as an anesthetist on a contract basis or as an employee of a hospital.".

3. Strike the Dworak amendment 3 adopted 3/25.

4. In E & R 5, line 2, insert "section" before "37".

5. In E & R 16, line 2, strike the first "39" and insert "38".

6. In E & R 20, line 2, strike "them" and insert "then".

LEGISLATIVE BILL 984. Replaced on Select File as amended.
E & R amendment to LB 984:

1. In lieu of E & R 5, in new section 53, line 6, insert "from the" after "$10,000"; and in the last line insert ", to conduct the study" after "1977".

LEGISLATIVE BILL 313. Replaced on Select File as amended.
E & R amendments to LB 313:

1. In section 12 as amended, line 5, strike "10th" and insert "10"; and in line 8 strike "30th" and insert "30".
2. In new section 18, line 3, strike "31,727" and insert "31-727".

LEGISLATIVE BILL 182. Placed on Select File as amended.
E & R amendments to LB 182:

1. In committee amendments, page 5, line 24, strike the comma.
2. In committee amendments, page 8, line 4, insert "candidate or" after "of".
3. In committee amendments, page 9, lines 2 and 3 strike "of the amount"; and in line 14 strike "is".
4. In committee amendments, page 10, strike the sentence beginning in line 21 and insert "Any candidate or other person violating sections 5 to 10 of this act within one year following an earlier violation of such sections shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of five hundred dollars.".
5. On page 14, line 15, strike ", or" and insert "or of".
6. On page 7, line 17, insert "has" after the comma.
7. On page 8, line 7, strike "the".

LEGISLATIVE BILL 987. Placed on Select File as amended.
E & R amendments to LB 987:

1. On page 2, line 7, insert comma after "years".
2. On page 3, line 14, insert "or" after the first comma.
3. On page 7, line 3, strike "107" and insert "106".
4. On page 10, line 21, and page 11, lines 23 and 24, strike "81 to 93" and insert "80 to 92".
5. On page 12, line 5, strike the comma.
6. On page 13, line 6, strike the semicolon and insert a comma.
7. On page 14, line 22, and page 15, line 4, strike "legislative".
8. In committee amendments, page 1, line 2, insert a comma after "person".

9. On pages 15 and 16, redesignate subdivisions (b) to (f) as subdivisions (a) to (e).

10. On page 16, line 9, strike "and" and insert "or".

11. On page 17, line 10, strike "of same" and insert "thereof".

12. On page 18, line 21, strike "state".

13. On page 20, line 25, strike "80" and insert "79".

14. On page 21, line 2, strike "twenty-five" and insert "fifty"; in line 3 strike "73" and insert "72"; in line 11 strike "a"; and in line 22 strike "65" and insert "64".

15. In line 3 of the new matter added to page 22 by the Luedtke amendment, strike "the operative" and insert "such".

16. On page 22, insert a comma after "section" in line 7 and at the end of line 17.

17. On page 23, line 17, strike "a change" and insert "an amendment"; in line 19 strike "change" and insert "amendment"; and in line 20 insert a comma after "section".

18. On page 26, line 14, insert "and" after the semicolon.

19. Renumber original sections 57 to 106 as sections 56 to 105, sections 107 to 122 found in committee amendments as sections 106 to 121, and original sections 113 to 126 as sections 122 to 135, and original sections 129 to 134 as sections 136 to 141.

20. On page 28, line 16, strike the first comma and insert "and".

21. On page 30, lines 24 and 25, strike ", therefor,"; and in line 26 insert a comma after "section".

22. On page 32, lines 4 and 5, strike "60" and insert "59"; and in lines 17, 21, and 25, strike "not" and reinsert the same after "filed".

23. On page 33, line 19, strike "60 to 64" and insert "59 to 63".

24. On page 34, line 11, strike "60 to 64" and insert "59 to 63"; and in line 14, insert a comma after "section".

25. On page 36, line 10, strike "that" and insert "the"; and in line 13 strike "to" and insert "or".

26. On page 37, line 9, strike "65" and insert "64".

27. On page 38, line 8, and page 39, line 1, insert a comma after "services"; and on page 38, line 10, and page 39, line 3, strike the comma.

28. On page 40, line 20, strike "(5)" and insert "(4)".

29. On page 40, line 25, and page 41, line 24, strike "a"; on page 41, line 6, insert "of" after "cost"; and in line 18 insert a comma after "expenditure".

30. On page 42, line 22, and page 43, lines 4 and 14, strike "a".

31. On page 43, line 24, strike ", or" and insert "or,".

32. On page 44, lines 4 and 16, and page 45, lines 7 and 18, strike "a".

33. On page 45, line 27, strike "68" and insert "67".

34. On page 46, lines 7 and 22, strike "a".

35. In the Bereuter amendment to page 50, line 1, strike "expense" and insert "expenses"; and in the second line strike the period.

36. On page 50, line 7, strike "their" and insert "his".

37. On page 51, line 16, strike "the provision of section 84" and insert "section 83"; and in line 18 insert a comma after "Legislature".

38. On page 52, line 1, strike "84" and insert "83"; in lines 15 and 26, strike "a".

39. On page 53, line 1, strike "81 to 93" and insert "80 to 92".

40. On page 54, line 19, strike "a"; in line 20 strike "below" and insert "in subdivisions (1) to (10) of this section"; and in line 22 strike "section 97" and insert "sections 96 to 98".

41. On page 55, line 1, strike "97 to 99" and insert "96 to 98".

42. On page 56, lines 14, 20, and 26, strike "94" and insert "93".

43. On page 57, lines 3, 10, and 18, strike "94" and insert "93"; and in line 10 insert a comma after "shall".

44. On page 58, line 2, insert "of" after "cost"; in line 4, strike "94 to 106" and insert "93 to 105"; in line 6 strike "Each individual" and insert "Individuals"; in line 7 strike "94 to 96" and insert "93 to 95"; and in line 15 insert "any" after "whom".

45. On page 59, line 22, strike "Any individual" and insert "Individuals"; and in line 23 strike "94 to 96" and insert "93 to 95".

46. On page 60, line 26, strike "97 and 98" and insert "96 and 97".

47. On page 61, line 14, strike "personal" and insert "personally"; and in line 21 strike "94" and insert "93".

48. On page 62, line 10, strike ", or" and insert "or,"; and in line 27 strike "94 to 106" and insert "93 to 105".

49. On page 63, line 3, strike the first comma; and in lines 16 and 17, strike "(a), (1) (b), or (1) (c)".

50. On page 64, line 7, strike the semicolon and insert a comma; in line 15 strike "a"; and in line 16 strike "No" and insert "no".

51. On page 65, line 7, strike ". Therefor," and insert ", and"; and in lines 20 and 21 strike "of this subsection".

52. On page 66, line 5, strike "where" and insert "when"; in line 8, strike "provided that this" and insert "but this prohibition";and in line 15 strike "a".

53. In committee amendments, page 2, line 15, strike "democratic" and insert "Democrat"; in line 17 capitalize "Republican"; and in lines 23, 25, and 27, strike "107" and insert "106".

54. In committee amendments, page 3, line 14, strike "94 to 106" and insert "93 to 105".

55. In committee amendments, page 4, insert a period at the end of line 2; in line 6 strike "107" and insert "106"; in line 22 strike "democratic" and insert "Democrat"; and in line 26 capitalize "Republican".

56. In renumbered section 113, subsection (1), line 9, strike "the aforementioned" and insert "such".

57. In committee amendments, page 6, line 9, strike "a"; and in line 13, strike "116 and 117" and insert "115 or 116"; insert a comma at the end of line 18, and in line 27 strike "128" and insert "127".

58. In committee amendments, page 7, line 14, insert "for" after "as".

59. On page 69, line 2, strike the second comma.

60. On page 71, line 25, strike "; any" and insert ". Any such".

61. On page 72, line 11, insert "of the" after the second comma; and in line 16 insert a comma after "shall".

62. On page 73, line 8, insert "for" after "or"; and in line 14 insert a comma after "If" and after "investigation".

63. On page 74, lines 7 and 8, strike "District Court of Lancaster County" and insert "district court".

64. On page 75, line 8, strike "thereof" and insert "thereunder"; in line 21 strike "their"; and in line 25, strike "119" and insert "128".

65. On page 76, lines 5 and 18, strike "106" and insert "105"; in line 14 strike "hereunder" and insert "by this section"; and in line 22 strike "those" and insert "such".

66. On page 77, line 1, strike "wherein" and insert "in which"; in line 17 insert "shall" after "occurs"; in line 20 insert "in this act," after "provided"; and in line 23 insert a comma after "shall".

67. On page 78, insert "in this act" after "provided" in line 24.

68. On page 79, line 6, strike the comma; and in line 7 insert a comma after "shall".

69. In committee amendments, page 7, line 17 strike "106 and 144" and insert "105 and 141".

70. In renumbered section 113, line 10, strike the period.

71. In committee amendments, page 4, strike lines 14 to 27 and insert:

"pointed:

(a) The Governor shall designate (i) one individual from a list submitted by the Legislature to serve a term of one year; (ii) the individual appointed at large to serve a term of three years; and (iii) one individual from a list submitted by the Legislature to serve a term of five years; and

(b) The Secretary of State shall designate (i) the individual from the list submitted by the Democrat state chairperson to serve a term of two years; (ii) the individual appointed at large to serve a term of four years; and (iii) the individual from the list submitted by the Republican state chairperson to serve a term of six years.".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 76.

Correctly Engrossed

The following bills were correctly engrossed: 332, 332A, 673, 673A, 691, 779, 782A, 794A, 806, 806A, 826A, 863, 905, 926, 989, and 1006.

(Signed) Donald N. Dworak, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Skarda asked unanimous consent to be excused from 11:00 a.m. until noon today.

SELECT FILE

LEGISLATIVE BILL 202. Mr. Stull asked unanimous consent to withdraw his pending motion found in the Journal on page 426 for the Sixteenth Day. No objections. So ordered.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 633 for the Twenty-sixth Day. No objections. So ordered.

Mr. DeCamp offered the following amendment:

1. Strike sections 1 and 2 and insert three new sections as follows:

"Section 1. That section 28-964.03, Revised Statutes Supplement, 1974, be amended to read as follows:

28-964.03. Any bona fide nonprofit organization ~~whose primary activities are conducted for charitable and community betterment purposes~~ may conduct lotteries, raffles, and gift enterprises when the net proceeds of such activities are used solely for charitable or community betterment purposes and the awarding of prizes to participants.

Sec. 2. That original section 28-964.03, Revised Statutes Supplement, 1974, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Chambers requested a ruling of the Chair on the germaneness of the amendment.

The Chair ruled the amendment out of order.

UNANIMOUS CONSENT—Select File Bills

Mr. Mahoney asked unanimous consent to consider bills on Select File which have only E & R amendments. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 434. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 984. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 313. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 182. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION—Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3(d), to consider his amendment found in this day's Journal on LB 202 which had been ruled out of order.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 20 ayes, 9 nays and 20 not voting.

The Call showed 47 members present.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 22:

Barnett
Bereuter
Cavanaugh
Clark
DeCamp
Duis
Fitzgerald
George
Goodrich
Keyes
F. Lewis
Luedtke
Mahoney
Mills
Moylan
Savage
Schmit
Simpson
Skarda
Stoney
Syas
Warner

Voting in the negative, 20:

Anderson
Chambers
Cope
Dickinson
Dworak
Fowler
Hasebroock
Kelly
Kennedy
Kremer
R. Lewis
Maresh
Marsh
Murphy
Nichol
Rasmussen
Rumery
Stull
Swigart
Wiltse

Not voting, 7:

Burbach
Burrows
Carsten
Johnson
Kime
Koch
Marvel

The motion to suspend the rules lost with 22 ayes, 20 nays and 7 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed.

SELECT FILE

LEGISLATIVE BILL 781. Mr. Goodrich offered the following amendment:
Strike the Rasmussen amendment found in the Journal on page 1356.

Mr. Goodrich requested a roll call vote.

Voting in the affirmative, 26:

Barnett
Bereuter
Cope
Dickinson
Dworak
Fitzgerald
George
Goodrich
Johnson
Keyes
Kime
Koch
Luedtke
Mahoney
Marsh
Mills
Moylan
Nichol
Rumery
Savage
Skarda
Stoney
Stull
Swigart
Syas
Wiltse

Voting in the negative, 15:

Burrows
Chambers
Clark
Duis
Fowler
Hasebroock
Kelly
Kennedy
Kremer
R. Lewis
Maresh
Marvel
Murphy
Rasmussen
Warner

Not voting, 8:

Anderson
Burbach
Carsten
Cavanaugh
DeCamp
F. Lewis
Schmit
Simpson

The amendment was adopted with 26 ayes, 15 nays and 8 not voting.

Mr. Rasmussen moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 464. Mr. DeCamp offered the following amendment:
To add E clause to LB 464

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 799. Mr. Koch offered the following amendment:

SPECIFIC AMENDMENT TO LB 799, AS AMENDED

1. On page 9, strike beginning with "employed" in line 19 through "." in line 20 and insert "appointed by the Executive Board of the Legislative Council, and approved and confirmed by a majority vote of the Legislature.".

The amendment was adopted with 34 ayes, 0 nays and 15 not voting.

Mr. Koch offered the following amendment:

AMENDMENT TO L.B. 799

Strike the Koch amendment just adopted and insert the following:

1. On page 9, line 20 after "Council" insert ", subject to confirmation by a majority vote of the members elected to the Legislature".

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

MOTION–Return LB 986 to Select File

Mr. Savage moved to return LB 986 to Select File for the following specific amendment:

Add the Emergency Clause.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 986. The Savage specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 823.

Mr. Schmit offered the following amendment:

AMENDMENT TO LB 823

1. On page 4, after line 25, insert the following sections:

"Sec. 3. That section 60-2201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2201. As used in sections 60-2201 to 60-2212, unless the context otherwise requires:

(1) Diesel-powered motor vehicle shall mean a self-propelled vehicle designed primarily for transporting persons or property on a public street or highway and which is powered by an internal combustion engine of the compression ignition type;

(2) Motor vehicle shall mean a self-

propelled vehicle with a gross unloaded vehicle weight of ten thousand pounds or more, or any combination of vehicles of a type subject to registration, towed by such motor vehcile;

~~(2)~~ (3) Smoke shall mean the solid or liquid matter, except water, discharged from a motor vehicle engine which obscures the transmission of light;

~~(3) Federal standards shall mean the federal standards for the Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines, promulgated by the Environmental Protection Agency in the Code of Federal Regulations, Title 40, Part 85;~~

(4) Smokemeter shall mean a full flow light-extinction smokemeter of a type approved by the Department of Environmental Control and operating on the principles described in the federal standards;

(5) Opacity shall mean the degree to which a smoke plume emitted from a diesel-powered motor vehicle engine will block the passage of a beam of light expressed as a percentage;

(6) Smoke control system shall mean a system consisting of one or more devices and adjustments designed to control the discharge of smoke from diesel-powered motor vehicles;

(7) Administrator shall mean the Director of Environmental Control of the State of Nebraska; and

(8) State enforcement officials shall mean officials of the Department of Environmental Control; and

~~(8)~~ (9) This act shall mean sections 60-2201 to 60-2212.

Sec. 4. That section 60-2203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2203. No one shall operate a diesel-powered motor vehicle on any public street or highway in this state in such a manner that ~~the~~ smoke ~~exceeds the opacity set forth in the rules and regulations promulgated by the administrator in accordance with sections 60-2201 to 60-2212~~ discharged from the exhaust is of a shade or density equal to or darker than that designated as Number 1 of the Ringelmann Chart or equivalent opacity of twenty per cent for ten consecutive seconds or longer.

Sec. 5. That section 60-2204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2204. No one shall intentionally make a change or other alteration to any diesel-powered motor vehicle equipped by its manufacturer with a smoke control system, including the basic fuel system, that may limit the ability of the system to control smoke, and no one shall remove such a smoke control system except for repair or installation of a proper replacement.

Sec. 6. That section 60-2205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2205. (1) State and local enforcement officials shall have the authority to ~~arrest~~ issue citations to suspected violators of the provisions of sections 60-2201 to 60-2212 on the basis of their visual evaluation of the smoke emitted from a diesel-powered motor vehicle, and such citations shall give the suspected violator a reasonable time to furnish evidence to the Department of Environmental Control that such alleged violation has been corrected or else such suspected violator shall be subject to the penalties set out in section 60-2211; Provided, that a suspected violator may demand that the suspected vehicle be tested ~~in accordance with the provisions of sections 60-2201 to 60-2212~~ by an approved smokemeter prior to a trial on the alleged violation.

(2) Smokemeter tests shall be conducted (a) by or under the supervision of a person or testing facility authorized by the administrator to conduct such tests, and (b) by installing an approved smokemeter on the exhaust pipe and operating the suspected vehicle ~~in a manner similar to the manner of operation~~ at engine revolutions per minute equivalent to the engine revolutions per minute at the time of the alleged violation.

(3) The results of smokemeter tests run in accordance with the provisions of sections 60-2201 to 60-2212 and after the ~~arrest~~ alleged violation shall be admissible as evidence in legal proceedings.

Sec. 7. That section 60-2206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2206. (1) The administrator shall have the power, after public hearings on due notice, to promulgate, consistent with and in furtherance of the provisions of sections 60-2201 to 60-2212, rules and regulations in accordance with which he will carry out his responsiblities and obligations under the provisions of sections 60-2201 to 60-2212.

~~(2) As the state of knowledge and technology relating to the control of smoke from diesel-powered motor vehicles may permit or make appropriate, and in furtherance of the purposes of sections 60-2201 to 60-2212, the administrator may provide by rules and regulations, promulgated after public hearings on due~~

~~notice, for the control of such smoke. Such rules and regulations may prescribe standards, inspection procedures, and approval of inspection equipment to insure compliance with~~ section 60-2203.

~~(3)~~ (2) Any rules or regulations promulgated by the administrator pursuant to sections 60-2201 to 60-2212 shall be consistent with the provisions of the federal standards, if any, relating to control of emissions from the diesel-powered motor vehicles affected by such rules and regulations. The administrator shall not require, as a condition for the sale of any diesel-powered motor vehicle covered by the provisions of sections 60-2201 to 60-2212, the inspection, certification, or other approval of any feature or equipment designed for the control of noise or emissions from such diesel-powered motor vehicles, if such feature or equipment has been certified, approved, or otherwise authorized pursuant to laws or regulations of any federal governmental body as sufficient to make lawful the sale of any diesel-powered motor vehicle covered by sections 60-2201 to 60-2212.

Sec. 8. That section 60-2208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2208. No person shall operate within the speed limits specified in this section either a motor vehicle with a gross vehicle weight of ten thousand pounds or more or any combination of vehicles of a type subject to registration, towed by such motor vehicle, at any time or under any condition of grade, load, acceleration, or deceleration in such manner as to exceed the following noise limit based on a distance of not less than fifty feet from the centerline of travel under test procedures established by section 60-2210: When the posted speed limit is thirty-five miles per hour or less, the noise limit shall be not exceed ~~88dB(A)~~ 86dB(A) and when the posted speed limit is more than thirty-five miles per hour the noise limit shall be not exceed 90dB(A); Provided, that this section shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of sections 60-2201 to 60-2212 relating to motor vehicle mufflers for noise control.

Sec. 9. That section 60-2210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2210. ~~Test procedures to determine whether maximum noise emitted by new motor vehicles sold or offered for sale meet the noise limits stated in section 60-2207 or 60-2208 shall be in substantial conformity with standards and recommended practice established by the Society of Automotive Engineers, Inc., including SAE Recommended Practice J184, SAE Recommended Practice~~

~~J366a, and such other and further standards as may be propounded in the Code of Recommended Practices of the~~ Commissioner.

(1) Noise measurements shall be made at a test site which is adjacent to, and includes a portion of, a traveled lane of a public highway. A microphone target point shall be established on the centerline of the traveled portion of the highway, and a microphone location point shall be established on the ground surface at a distance of fifty feet from the microphone target point and on a line that is perpendicular to the centerline of the traveled portion of the highway and that passes through the microphone target point. The microphone shall be placed such that it is at a height of not less than two feet and not more than six feet above the plane of the roadway surface. The test area shall include an open site within a fifty-foot radius of both the microphone target point and the microphone location point. The test site shall be essentially free of large sound-reflecting objects.

(2) Noise measurement conditions shall be as follows:

(a) Wind. Noise measurements may only be made if the measured average wind velocity is twelve miles per hour or less. Gust wind measurements of up to twenty miles per hour shall be allowed;

(b) Precipitation. Measurements shall be prohibited under any condition of precipitation, but measurements may be made with snow on the ground. The ground surface within the measurement area shall be free of standing water; and

(c) Road conditions. Road conditions shall be such that they would not cause a motor vehicle to emit irregular tire, body, or chassis-impact noise.

(3) In accordance with this section, a measurement shall be made of the sound level generated by a motor vehicle operating through the measurement area on the traveled portion of the highway within the test site, regardless of the highway grade, load, acceleration, or deceleration. The sound level generated by the motor vehicle shall be the highest reading observed on the sound level measurement system as the vehicle passes through the measurement area.

Sec. 10. That section 60-2211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2211. Every person who operates a diesel-powered or other motor vehicle in this state in violation of the standards established by the provisions of sections 60-2201 to 60-2212 shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than ~~ten~~ twenty-five dollars nor more than ~~twenty-five~~ one hundred dollars, and every day that the diesel-powered or other motor vehicle is so operated shall be deemed to be a separate offense.".

2. On page 4, line 26 strike "section 60-1301," and insert "sections 60-1301, 60-2201, 60-2203, 60-2204, 60-2205, 60-2206, 60-2208, 60-2210, and 60-2211,".

3. Renumber original sections 3 and 4 as sections 11 and 12, respectively.

4. In the title, line 4 strike "and" and after "39-2519," insert "60-2201, 60-2203, 60-2204, 60-2205, 60-2206, 60-2208, 60-2210, and 60-2211,"; line 12 after ";" insert "to provide emission control standards; to harmonize references; to provide for the issuance of citations for violations of standards; to increase penalties for violations;".

Mr. Schmit moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays and 34 not voting.

Mr. Savage moved the Call be raised. The motion prevailed.

The Schmit amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Warner reoffered his amendment found in the Journal on page 892 for the Thirty-ninth Day and asked the Journal to show a correction of the word "ten", to be shown as stricken at the end of the first line 18.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Warner offered the following amendment:

1. Strike Committee amendment number 3 and on page 4 line 24, after "less" insert ", except as may be provided by rules and regulations of the Department of Roads,"; in line 25 after the underscored period insert "The Department of Roads shall adopt and promulgate rules and regulations concerning the weighing of pickup trucks with a factory rated capacity of one ton or less which tow vehicles. Such rules and regulations shall require trucks towing vehicles to comply with sections 60-1301 to 60-1309 when it is necessary to promote the public safety and preserve and protect the state highways and bridges.".

2. On page 4, line 27 strike "and section 39-6,184," and insert "is repealed.".

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 917 to Select File

Mrs. Marsh moved to return LB 917 to Select File for the following specific amendment:

1. On page 3, line 9 strike "nursing".

The motion prevailed with 27 ayes, 9 nays and 13 not voting.

SELECT FILE

LEGISLATIVE BILL 917. The Marsh specific amendment found in this day's Journal was adopted with 30 ayes, 5 nays and 14 not voting.

Advanced to E & R for Re-engrossment.

MOTION–Return LB 673 to Select File

Mr. Barnett moved to return LB 673 to Select File for the following specific amendment:

1. On page 2, insert a new section as follows:

"Sec. 2. That section 79-1509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1509. (1) The membership of the retirement system shall be composed as follows: ~~(1)~~ (a) All persons who become senior school employees after September 1, 1945, and who have not attained their sixty-fifth birthday on or before July 1 last preceding the date of employment, except those specifically excluded under sections 79-1512 and 79-1513, shall become members as soon as they become senior school employees; Provided, all school employees not required to hold a certificate, diploma, or credentials to practice in a professional capacity within sixty days after August 27, 1951, or within sixty days after being employed by a public school in the state, file with the retirement board an election not to be included in the membership of the retirement system and such election shall be in writing on forms prescribed by the retirment board and any person so electing waives all rights within the system except to a refund of his accumulated contributions; ~~(2)~~ (b) senior school employees on July 1, 1945, except those specifically excluded in sections 79-1512 and 79-1513, shall be members of the retirement system as of July 1, 1945, unless prior to October 1, 1945, any such employees shall have filed with the retirement board and with his employer a notice of his election not to be included in the membership of the system and a duly executed waiver of all the present and prospective benefits which would otherwise inure to him on account of his membership in the retirement system; and ~~(3)~~ (c) emeritus members as defined in section 79-1501.

(2) Any individual who, at the age of sixty years or older or within five years of his or her expected retirement age, whichever is earlier, becomes a senior school employee shall not be required to become a member of a retirement system established pursuant to Chapter 79, article 15. Such inndividual may elect to come under the applicable retirement system and, upon such election, shall pay the contributions required by the system. Any contributions paid by such individual shall be credited to his or her account for the purpose of providing a savings account for such individual, and such account shall earn regular interest from the date of first contribution,".

2. On page 2, line 9 strike "section 79-1279," and insert "sections 79-1279 and 79-1509,"; line 10 strike "is" and insert "are".

3. Renumber original section 2 as section 3.

The motion prevailed with 26 ayes, 4 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 673. The Barnett specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 196.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Rumery, 42nd District; Kime, 43rd District; Maresh, 32nd District; Dickinson, 31st District; Kennedy, 21st District.

WHEREAS, substantial input and public reaction has been generated by the issue of establishing a veterinary school to provide services to a multi-state area; and

WHEREAS, additional specific information would be of value in determining whether a regional veterinary school for Nebraska, Montana, North Dakota, South Dakota, and Wyoming should be established; and

WHEREAS, the gathering of such specific information should be considered a far reaching task which would be furthered best by the broadest possible basis for input.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Environment Committee continue to hold hearings and gather information relating to the establishment of an area wide veterinary school.

2. That the entire Legislature be directly involved in the accumulation of information upon which a future session will need to consider the establishment of a veterinary college.

3. That the members of the Old West Regional Commission be encouraged to proceed with the next phase of detailed planning and closely coordinate activity with the Agriculture and Environmental Committee so that specific proposals may be reviewed by the five state legislatures concerned with the veterinary school.

4. That the Clerk of the Legislature forward a copy of this resolution to Governor Exon, Warren C. Wood, Governor Herschler of Wyoming, and federal and state co-chairman of the Old West Regional Commission.

Referred to the Executive Board.

UNANIMOUS CONSENT–Member Excused

Mr. Anderson asked unanimous consent to be excused Wednesday, March 31, 1976. No objections. So ordered.

VISITORS

The President introduced 31 4-H Club members from Platte, Polk, Butler, and Nance counties and their sponsors; 17 fourth grade students from Maywood; 20 fourth grade students from Ralston and sponsors; and 25 senior students and teacher from Hershey, Nebraska.

RECESS

At 11:52 a.m., on a motion by Mr. Mahoney, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., President Whelan presiding.

ROLL CALL

The roll was calledand all members were present except Messrs. Burbach and Carsten who were excused; Messrs. Clark, Hasebroock, Johnson, and Wiltse who were excused until they arrive; Mr. Nichol who was absent until 1:20 p.m.; and Mr. F. Lewis who was absent until 3:00 p.m.

MR. SIMPSON PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 296.

A BILL FOR AN ACT to amend section 24-729, Revised Statutes Supplement, 1974, relating to judges' retirement; to provide that retired judges of the county court may be assigned to fill vacancies in any county court; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Anderson
Bereuter
Burrows
Chambers
DeCamp
Dickinson
Duis
Fitzgerald
Fowler
George
Goodrich
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Rasmussen
Rumery
Savage
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner

Voting in the negative, 0.

Not voting, 13:

Barnett
Burbach
Carsten
Cavanaugh
Clark
Cope
Dworak
Hasebroock
Johnson
F. Lewis
Nichol
Schmit
Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 643.

A BILL FOR AN ACT to amend section 84-1320, Revised Statutes Supplement, 1974, relating to the State Employees Retirement System; to provide an option for prior service annuities; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, "Shall the bill pass?' "

Voting in the affirmative, 36:

Anderson
Barnett
Bereuter
Burrows
Chambers
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Murphy
Rumery
Savage
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner

Voting in the negative, 0.

Not voting, 13:

Burbach
Carsten
Cavanaugh
Clark
Cope
Hasebroock
Johnson
F. Lewis
Marvel
Nichol
Rasmussen
Schmit
Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 644.

A BILL FOR AN ACT to amend section 60-452.01, Revised Statutes Supplement, 1975, relating to the state patrolmen's retirement system; to provide for computation of early retirement annuities; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Anderson
Barnett
Bereuter
Burrows
Chambers
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Rumery
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner

Voting in the negative, 0.

Not voting, 13:

Burbach Carsten Cavanaugh Clark Cope
Hasebroock Johnson F. Lewis Nichol Rasmussen
Savage Schmit Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 645. With Emergency.

A BILL FOR AN ACT to amend section 79-1528, Revised Statutes Supplement, 1975, relating to the school retirement system to change the time of forfeiture; to change provisions for payment of benefits on death; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson Barnett Bereuter Burrows Chambers
Clark Cope DeCamp Dickinson Duis
Dworak Fitzgerald Fowler George Goodrich
Hasebroock Kelly Kennedy Keyes Koch
Kremer R. Lewis Luedtke Mahoney Marsh
Marvel Mills Moylan Murphy Rasmussen
Rumery Simpson Skarda Stoney Stull
Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 10:

Burbach Carsten Cavanaugh Johnson Kime
F. Lewis Maresh Nichol Savage Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 686.

A BILL FOR AN ACT to amend sections 23-106 and 23-146, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to authorize the creation of a county petty cash fund; to raise the limitation on the amount of contracts in which county officers may be interested; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson Barnett Bereuter Burrows Chambers
Clark Cope DeCamp Dickinson Duis
Dworak Fitzgerald George Goodrich Hasebroock
Kelly Kennedy Keyes Kime Koch
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Mills Moylan Murphy
Rasmussen Rumery Savage Simpson Skarda
Stoney Stull Swigart Syas Warner
Wiltse

Voting in the negative, 0.

Not voting, 8:

Burbach Carsten Cavanaugh Fowler Johnson
F. Lewis Nichol Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 718.

A BILL FOR AN ACT to amend section 50-114.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Legislature; to eliminate the requirement that the Clerk of the Legislature bind the looseleaf copies of the journal; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Bereuter Cavanaugh Clark Cope DeCamp
Dickinson Fowler George Goodrich Hasebroock
Kelly Kennedy Keyes Koch Kremer
R. Lewis Luedtke Mahoney Maresh Marsh
Mills Moylan Murphy Rasmussen Rumery
Savage Simpson Skarda Stoney Stull
Swigart Syas Warner Wiltse

Voting in the negative, 1:

Duis

Not voting, 14:

Anderson
Barnett
Burbach
Burrows
Carsten
Chambers
Dworak
Fitzgerald
Johnson
Kime
F. Lewis
Marvel
Nichol
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 733.

A BILL FOR AN ACT to amend section 79-329, Revised Statutes Supplement, 1975, relating to the State Board of Education; to change authority for publications and use of the proceeds of sale; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative. 42:

Anderson
Barnett
Bereuter
Burrows
Cavanaugh
Chambers
Clark
Cope
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Kelly
Kennedy
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 7:

Burbach
Carsten
DeCamp
Johnson
Keyes
Kime
F. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 749. With Emergency.

A BILL FOR AN ACT to amend section 21-2216, Reissue Revised Statutes of Nebraska, 1943, relating to professional corporations; to change the requirements to be considered by the regulating board prior to issuing a certificate of registration; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Anderson
Barnett
Bereuter
Cavanaugh
Chambers
Clark
Cope
DeCamp
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Kelly
Kennedy
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Nichol
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Wiltse

Voting in the negative, 2:

Keyes
Warner

Not voting, 10:

Burbach
Burrows
Carsten
Dickinson
Johnson
Kime
F. Lewis
Marvel
Murphy
Rasmussen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 750.

A BILL FOR AN ACT to amend section 25-1228, Reissue Revised Statutes of Nebraska, 1943, relating to subpoenas; to provide for subpoenas issued at the request of any agency of state government; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Anderson Barnett Bereuter Burrows Cope
Duis Dworak Fowler George Goodrich
Hasebroock Kelly Keyes Koch Kremer
Luedtke Mahoney Maresh Marsh Mills
Moylan Murphy Nichol Schmit Simpson
Skarda Stoney Swigart Warner Wiltse

Voting in the negative, 10:

Cavanaugh Chambers Clark Dickinson Kime
R. Lewis Marvel Rasmussen Savage Stull

Not voting, 9:

Burbach Carsten DeCamp Fitzgerald Johnson
Kennedy F. Lewis Rumery Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 776.

A BILL FOR AN ACT to amend section 19-2903, Revised Statutes Supplement, 1975, relating to municipal auditing; to provide an exception; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson Barnett Bereuter Cavanaugh Chambers
Clark Cope DeCamp Dickinson Duis
Dworak Fitzgerald Fowler George Goodrich
Hasebroock Kelly Kennedy Kime Koch
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Mills Moylan Nichol
Rasmussen Rumery Savage Schmit Simpson
Skarda Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 0.

Not voting, 7:

Burbach
Burrows
Carsten
Johnson
Keyes
F. Lewis
Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 764.

A BILL FOR AN ACT to amend sections 71-4802, 71-4804, 71-4807, and 71-4810, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Anatomical Gift Act; to provide that the next of kin may not revoke a donation; to provide when a person may make a gift; to provide limitations on physicians as prescribed; to provide provisions relating to funeral directors and morticians; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson
Barnett
Bereuter
Burrows
Cavanaugh
Chambers
Clark
Cope
DeCamp
Duis
Dworak
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Kime
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Swigart
Warner
Wiltse

Voting in the negative, 2:

Keyes
Stull

Not voting, 8:

Burbach
Carsten
Dickinson
Fitzgerald
George
Johnson
F. Lewis
Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 660.

A BILL FOR AN ACT to amend section 21-1773, Reissue Revised Statutes of Nebraska, 1943, relating to credit unions; to provide that credit unions may utilize electronic transmission terminals as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson Barnett Bereuter Burrows Cavanaugh
Clark DeCamp Dickinson Dworak Fitzgerald
Fowler Goodrich Hasebroock Kelly Kennedy
Keyes Koch R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Mills Moylan
Murphy Rasmussen Rumery Savage Schmit
Simpson Skarda Stoney Stull Swigart
Syas Warner Wiltse

Voting in the negative, 3:

Duis George Kremer

Not voting, 8:

Burbach Carsten Chambers Cope Johnson
Kime F. Lewis Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 716. With Emergency.

A BILL FOR AN ACT to amend section 71-1630, Revised Statutes Supplement, 1974, relating to public health and welfare; to increase the membership on city-county boards of health as prescribed; to eliminate a restriction on reappointments; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Bereuter	Burrows	Cavanaugh	Chambers
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 1:

Barnett

Not voting, 4:

Burbach	Carsten	Johnson	F. Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 787. With Emergency.

A BILL FOR AN ACT to amend section 32-550, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to change the time of the county post-primary convention; to provide for notice; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson	Barnett	Bereuter	Burrows	Cavanaugh
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simpson	Skarda	Stoney
Stull	Swigart	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 4:

Burbach Carsten Johnson F. Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 841. With Emergency.

A BILL FOR AN ACT relating to the Agricultural Products Industrial Utilization Committee; to provide that funds refunded or reimbursed to the committee during fiscal year 1975-1976 may be expended prior to June 30, 1976; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with emergency clause attached?' "

Voting in the affirmative, 41:

Anderson Barnett Bereuter Burrows Chambers
Cope DeCamp Dickinson Duis Dworak
Fitzgerald Fowler George Goodrich Hasebroock
Kelly Kennedy Keyes Kime Koch
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Mills Moylan Nichol Rasmussen
Rumery Savage Schmit Simpson Skarda
Stoney Stull Swigart Syas Warner
Wiltse

Voting in the negative, 0.

Not voting, 8:

Burbach Carsten Cavanaugh Clark Johnson
F. Lewis Marvel Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 916. Mr. Cavanaugh moved to return LB 916 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Cavanaugh asked unanimous consent to withdraw his motion. No objections. So ordered.

LEGISLATIVE BILL 916. With Emergency.

A BILL FOR AN ACT to amend sections 44-224.04 and 44-325, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to change provisions relating to the merging of domestic stock insurance companies as prescribed; to provide that dividends be declared or paid from earned surpluses; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson Barnett Bereuter Burrows Cavanaugh
Chambers Clark DeCamp Dickinson Duis
Dworak Fitzgerald Fowler George Goodrich
Johnson Kelly Kennedy Keyes Kime
Koch Kremer Luedtke Mahoney Maresh
Marsh Marvel Mills Moylan Murphy
Rasmussen Rumery Schmit Simpson Skarda
Stoney Stull Swigart Syas Warner
Wiltse

Voting in the negative, 1:

Savage

Not voting, 7:

Burbach Carsten Cope Hasebroock F. Lewis
R. Lewis Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 852.

A BILL FOR AN ACT to amend section 79-490, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to clarify provisions; to change provisions relating to transportation allowance for students attending school in a Class V school district; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson
Barnett
Bereuter
Burrows
Cavanaugh
Chambers
Cope
DeCamp
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 9:

Burbach
Carsten
Clark
Dickinson
Hasebroock
F. Lewis
Marvel
Murphy
Nichol

A constitutional majority having voted in the majority, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 911.

A BILL FOR AN ACT to amend section 41-102, Reissue Revised Statutes of Nebraska, 1943, relating to hotels and inns; to redefine what shall be deemed to be a boarding house as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson Bereuter Burrows Clark Cope
DeCamp Dickinson Duis Dworak Fitzgerald
Fowler George Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kime Koch
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Mills Moylan Nichol
Rasmussen Rumery Savage Schmit Simpson
Skarda Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 1:

Cavanaugh

Not voting, 6:

Barnett Burbach Carsten Chambers F. Lewis
Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 920.

A BILL FOR AN ACT to amend section 79-1103.05, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that the tuition of certain high school students attending school outside their school district may be paid as prescribed; to provide for appeals; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson Barnett Bereuter Burrows Cavanaugh
Chambers Clark Cope DeCamp Dickinson
Duis Dworak Fitzgerald Fowler George
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kime Koch Kremer R. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Mills Moylan Murphy Rasmussen Rumery
Savage Schmit Simpson Skarda Stoney
Stull Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 4:

Burbach Carsten F. Lewis Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 265. Bill read.

Mr. DeCamp moved to return LB 265 to Select File for the following specific amendment:

1. Strike section 2 of the final reading copy.
2. Renumber original sections 3 and 4 as sections 2 and 3 respectively.

PRESIDENT WHELAN PRESIDING

Mr. DeCamp asked unanimous consent to have the bill laid over.

Mr. Cavanaugh objected.

Mr. DeCamp moved to lay the bill over until 3:00 p.m.

The motion prevailed.

LEGISLATIVE BILL 899. With Emergency.

A BILL FOR AN ACT to amend section 81-885.14, Revised Statutes Supplement, 1974, relating to the State Real Estate Commission; to change when the annual license renewal fee is due; to provide when licenses shall be canceled; to provide for a late renewal application and additional fee; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson Bereuter Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald Fowler
George Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime Koch Kremer
R. Lewis Luedtke Maresh Marsh Marvel

Mills
Moylan
Nichol
Rasmussen
Rumery
Savage
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 1:

Barnett

Not voting, 9:

Burbach
Burrows
Carsten
Cavanaugh
Chambers
F. Lewis
Mahoney
Murphy
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 809. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Hospital and Physicians Mutual Insurance Association Act; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson
Barnett
Bereuter
Burrows
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 4:

Burbach
Carsten
F. Lewis
Mahoney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 817. Mr. Warner moved to return LB 817 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Warner asked unanimous consent to withdraw his motion. No objections. So ordered.

Mr. DeCamp moved to return LB 817 to Select File for the following specific amendment:
Strike the enacting clause.

The motion prevailed with 27 ayes, 12 nays and 10 not voting.

SELECT FILE

LEGISLATIVE BILL 817. The DeCamp specific amendment found in this day's Journal is pending.

EXPLANATION OF VOTE

Had I been present I would of voted Aye on 296, 643, 644 on Final Reading, March 29, 1976.

(Signed) William Hasebroock

MOTION—Return LB 799 to Select File

Mr. Barnett moved to return LB 799 to Select File for the following specific amendment:

SPECIFIC AMENDMENT TO LB 799

1. Strike the Murphy amendment found on page 1331 of the Journal.
2. On page 8, line 24 after the period insert:

"In case such temporary appointment is made during the recess of the Legislature, the Executive Board shall make a temporary appointment until the next session of the Legislature and at such session the appointment shall be approved or rejected. The Executive Director shall serve at the pleasure of a majority of the elected members of the legislature.

The motion prevailed with 27 ayes, 7 nays and 15 not voting.

SELECT FILE

LEGISLATIVE BILL 799. The Barnett specific amendment found in this day's Journal was adopted with 25 ayes, 9 nays and 15 not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 182, 313, and 434.

Correctly Enrolled

The following bills were correctly enrolled: 296, 643, 644, 645, 660, 686, 716, 718, 733, 749, 750, 764, 776, 787, 841, 852, 911, 916, and 920.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 296, 643, 644, 645, 660, 686, 716, 718, 733, 749, 750, 764, 776, 787, 841, 852, 911, 916, and 920.

SELECT FILE

LEGISLATIVE BILL 987. E & R amendments found in this day's Journal were adopted.

Mr. Koch offered the following amendments:

Amendments to 987

(1) Page 5, strike subsection (c) on Lines 7 to 14

(2) Page 15, strike lines 7 through 15 and insert the following:

Sec. 34. (1) Principal shall mean a person who authorizes a lobbyist to lobby in behalf of that principal.

(2) Lobbyist shall mean a person who is authorized to lobby on behalf of a principal, and shall include an officer, agent, attorney or employee of the principal whose regular duties include lobbying. Correct all internal references to these terms.

(3) Page 47, lines 26 and 27, after "filed" on 26, strike ", and a general description of its position on each".

(4) Page 50, strike lines 8 through 10.

(5) Page 51, lines 23 and 24, after "resolutions" insert a period and strike the remainder of the sentence.

Mr. Koch moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay and 31 not voting.

Mr. Marvel moved the Call be raised. The motion prevailed.

The Koch amendment (1) was adopted with 25 ayes, 4 nays and 20 not voting.

The Koch amendment (2) was adopted with 27 ayes, 0 nays and 22 not voting.

The Koch amendment (3) was adopted with 28 ayes, 5 nays and 16 not voting.

Mr. Cavanaugh requested a record vote on the Koch amendment (4).

Mr. Koch moved for a Call of the House. The motion prevailed with 21 ayes, 5 nays and 23 not voting.

Mr. Koch moved the Call be raised. The motion prevailed.

Voting in the affirmative, 26:

Cope DeCamp Dickinson Fitzgerald George
Goodrich Hasebroock Johnson Kelly Kennedy
Koch Kremer Mahoney Marsh Mills
Moylan Murphy Nichol Rasmussen Savage
Schmit Skarda Stull Swigart Syas
Wiltse

Voting in the negative, 14:

Anderson Barnett Bereuter Burrows Cavanaugh
Fowler Keyes F. Lewis R. Lewis Luedtke
Maresh Rumery Stoney Warner

Not voting, 9:

Burbach Carsten Chambers Clark Duis
Dworak Kime Marvel Simpson

The Koch amendment (4) was adopted with 26 ayes, 14 nays and 9 not voting.

Mr. Cavanaugh requested a record vote on the Koch amendment (5).

Voting in the affirmative, 9:

Dickinson
Dworak
George
Koch
Mahoney
Marsh
Nichol
Savage
Stull

Voting in the negative, 21:

Anderson
Bereuter
Burrows
Cavanaugh
Cope
Fitzgerald
Fowler
Kelly
Kennedy
Kime
Kremer
R. Lewis
Luedtke
Maresh
Mills
Rasmussen
Rumery
Skarda
Stoney
Syas
Warner

Not voting, 19:

Barnett
Burbach
Carsten
Chambers
Clark
DeCamp
Duis
Goodrich
Hasebroock
Johnson
Keyes
F. Lewis
Marvel
Moylan
Murphy
Schmit
Simpson
Swigart
Wiltse

The Koch amendment (5) lost with 9 ayes, 21 nays and 19 not voting.

MESSAGE FROM THE GOVERNOR

March 29, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 33, 671, 711, 757, 758, 759, 775, 803, 839, 847, 858, 859, 898, 961, 974, and 990.

These bills were signed by me on March 26, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

SELECT FILE

LEGISLATIVE BILL 987. Mr. Dworak offered the following amendment:
Page 69, line 16, strike "shall" and insert "may"; line 18, after the period insert "All necessary staff requirements and budgetary requirements of the commission shall be met by the Secretary of State."

The amendment lost with 4 ayes, 22 nays and 23 not voting.

Mr. Dworak offered the following amendment:
Page 69, line 5, strike "and" and substitute a comma; line 6, strike the period and insert ", and shall not be paid in excess of eighteen thousand dollars per annum."

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Warner offered the following amendment (1):

Amendments to LB 987

1. Page 4, line 1, strike "which is"; line 2, strike "organized for profit".
2. Page 4, strike line 6; line 7, strike "family is a partner, director, or officer;".
3. Page 58, line 8, after "themselves" insert a colon and strike the remainder of line 8 and all of line 9.
4. Page 58, line 17, after "from" insert "employment by, operation of or"; line 19 after "corporation" insert "or business or non-profit corporation or other person"; line 20, after "corporation" insert "or business or nonprofit corporation or other person"; line 21, after the first "the" insert "patrons, customers, patients or"; line 22, after "corporation" insert "or business or nonprofit corporation or other person".
5. Page 58, strike lines 26 and 27; page 59, strike lines 1, 2, and 3.
6. Page 59, strike lines 4 through 21.
7. Page 59, strike lines 22 through 27.
8. Page 60, strike lines 1 through 25.

Mr. Bereuter requested a division of the question from the Warner amendment.

Amendments 1 through 4 were adopted with 26 ayes, 0 nays and 23 not voting.

MR. SIMPSON PRESIDING

The Warner amendment 5 lost with 20 ayes, 10 nays and 19 not voting.

The Warner amendment 6 lost with 24 ayes, 10 nays and 15 not voting.

The Warner amendment 7 was adopted with 26 ayes, 3 nays and 20 not voting.

The Warner amendment 8 was adopted with 26 ayes, 4 nays and 19 not voting.

Mr. Warner offered the following amendment: (2)

Amendment to LB 987

1. Add a new section as follows:

"No political subdivision or municipality within the State of Nebraska in which candidates for their elective offices or elected officials are subject to the requirements of this act shall require compliance with local provisions governing campaign receipts and expenditures or financial disclosures which are different from those established by this act."

The amendment was adopted with 26 ayes, 4 nays and 19 not voting.

Mr. Warner offered the following amendment (3):

1. Page 21, line 2, strike "twenty-five" and insert "fifty".

The amendment was adopted with 26 ayes, 5 nays and 18 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 29, 1976, at 4:15 p.m., were the following bills: 296, 643, 644, 645, 686, 716, 718, 733, 749, 750, 776, 764, 660, 787, 841, 852, 911, 916, and 920.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 799. Replaced on Select File as amended.

E & R amendments to LB 799:

1. In line 4 of E & R 6, strike "Executive" and insert "Legislative".
2. On page 9, line 12, insert ", the Legislative Legal Counsel" after "Statutes".
3. On page 10, line 21, insert "of the Legislative Counsel" after "Board".
4. On page 19, line 19, strike "28" and insert "35".

5. Renumber original section 38 as section 44.

6. In line 5 of E & R 18, strike "1975" and insert "1976".

LEGISLATIVE BILL 673. Replaced on Select File as amended.
E & R amendments to LB 673:

1. In the Barnett amendments, page 2, line 19, strike the comma and insert an underscored period.

2. In the title, line 2, strike "section 79-1279" and insert "sections 79-1279 and 79-1509"; in line 4 strike "Reserve Teachers" and insert "schools"; in line 5 insert "to provide an option for senior school employees;" immediately before "and"; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 823. Replaced on Select File as amended.
E & R amendments to LB 823:

1. Renumber the new section added by the Warner amendment as section 1, original section 2 as section 2.

2. In the Schmit amendments, page 7, line 25, strike "Wind.".

3. In the Schmit amendments, page 8, line 2, strike "Precipitation."; and in line 7 strike "Road conditions.".

4. Strike both Warner amendments 2 and the Warner amendment 3.

5. In lieu of all previous amendments thereto, strike original section 3 and insert:

"Sec. 11. That original sections 60-1301, 60-2201, 60-2203 to 60-2206, 60-2208, 60-2210, and 60-2211, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,185, Revised Statutes Supplement, 1974, are repealed.".

6. In lieu of all previous amendments thereto in the title strike lines 2 to 10 and insert:

"FOR AN ACT to amend sections 60-1301, 60-2201, 60-2203 to 60-2206, 60-2208, 60-2210, and 60-2211, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,185, Revised Statutes Supplement, 1974, relating to motor vehicles; to change provisions for shifting of loads; to exclude certain vehicles from the requirement of stopping at weighing stations; to change provisions for regulation of emissions and noise; to increase penalties; to repeal the original sections; and to declare an emergency.".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 917.

Correctly Engrossed

The following bill was correctly engrossed: 464.

Correctly Enrolled

The following bills were correctly enrolled: 809 and 899.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 809 and 899.

SELECT FILE

LEGISLATIVE BILL 799. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 673. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 823. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

Mr. Rasmussen asked unanimous consent to be excused for one hour. No objections. So ordered.

LEGISLATIVE BILL 987. Mr. Marvel offered the following amendment:
Strike the Committee Amendment on line 16, page 1104 of Legislative Journal and insert:
"Sec.__ This act shall become operative on July 1, 1977."

The amendment was adopted with 26 ayes, 9 nays and 14 not voting.

Mr. Marvel offered the following amendment:
1. Page 6, line 20, after "committee" insert ", when required to be formed".
2. Page 7, line 4, strike "person who" and insert "committee, when required to be formed, that".

3. Page 18, strike lines 22 through 27 and insert: Sec. 45. (1) Each candidate shall, upon raising, receiving or expending in excess of four hundred dollars, form a candidate committee. A person who is a candidate for more than one office shall form a candidate committee for the office for which the person is a candidate upon raising, receiving or expending in excess of four hundred dollars for the campaign for that office."

4. Page 24, line 19, after the period insert "Provided, the period shall begin for a candidate committee from the date the candidate raised, received or expended any money if the candidate committee is formed after the operative date of this act."

5. Page 32, line 6, after "stating" insert "only".

Mr. Goodrich offered the following amendment to the Marvel amendment:

Sect 3 strike 400 dollars and insert 1000 dollars and lower down strike 300 and insert 1000 dollars.

The amendment lost with 18 ayes, 12 nays and 19 not voting.

The Marvel amendment was adopted with 25 ayes, 2 nays and 22 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 984 and 986.

(Signed) Donald N. Dworak, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 197.

Introduced by George, 16th District; Hasebroock, 18th District; Warner, 25th District; Dickinson, 31st District; Fowler, 27th District; Koch, 17th District; Stoney, 4th District; Barnett, 26th District; Cope, 36th District; Simpson, 46th District; Fitzgerald, 14th District; Nichol, 48th District; Swigart, 8th District; Marsh, 29th District; Stull, 49th District; Luedtke, 28th District.

WHEREAS, the brilliant and inspirational writings of John G. Neihardt which related the profound vision of Black Elk, a great cultural leader of the Indian people have transcended time and space and to become universally acclaimed classics of literature; and

WHEREAS, the dialogue between Neihardt and Black Elk has inspired countless numbers of people thereby further advancing the cause of humanitarianism and brotherhood of all men; and

WHEREAS, the State of Nebraska, the United States and the World, are richer spiritually because of the insights of John G. Neihardt and Black Elk.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That John G. Neihardt and Black Elk should be accorded the posthumous honor of having a commemorative postal stamp issued by the United States Postal Service dedicated to their memory.

Laid over.

MOTION–Disapprove Appointment

Mr. Chambers moved that the Legislature disapprove the appointment of Martin Dineen as State Fire Marshal.

Motion pending.

ADJOURNMENT

Mr. Mahoney moved to adjourn until 9:00 a.m., Tuesday, March 30, 1976.

Mr. Dickinson requested a roll call vote.

Voting in the affirmative, 25:

Cope
DeCamp
Fitzgerald
George
Goodrich
Hasebroock
Johnson
Kennedy
Kremer
F. Lewis
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rumery
Savage
Schmit
Stull
Swigart
Syas
Wiltse

Voting in the negative, 14:

Anderson
Barnett
Bereuter
Burrows
Dickinson
Fowler
Keyes
Kime
Koch
Luedtke
Simpson
Skarda
Stoney
Warner

Not voting, 10:

Burbach
Carsten
Cavanaugh
Chambers
Clark
Duis
Dworak
Kelly
R. Lewis
Rasmussen

The motion prevailed with 25 ayes, 14 nays and 10 not voting and at 5:14 p.m. the Legislature adjourned until 9:00 a.m., Tuesday, March 30, 1976.

Vincent D. Brown
Clerk of the Legislature

FIFTY-EIGHTH DAY—MARCH 30, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 30, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, who has given to all persons talents and varying capacities, Thou dost only require of us that we utilize Thy gifts to the maximum. In this Legislature to which Thou hast entrusted special abilities and opportunities, may each recognize his stewardship for the people of this State. Through the perplexing problems and needed decisions give them calmness and wisdom. May heated debates always be on the issues and not develop into personal jealousies which only defeat the purpose of our representative government. May we at the beginning of a new morning say, "This is the day that the Lord hath made, let us rejoice and be glad in it." Amen.

ROLL CALL

The roll was called and all members were present except Mr. Koch who was excused until he arrives; and Mr. Schmit who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1451, line 17, insert "Advanced to E & R for Engrossment."
The Journal for the Fifty-seventh Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 799.

(Signed) Donald N. Dworak

EXPLANATION OF VOTE

Had I been present I would have voted aye on LB 296, 643, 644, 645, 686, 718, 733, 776, 764, 660, 716, 787, 841, 916, 852, 911, 920, 899, and 809.

(Signed) Calvin Carsten

SELECT FILE

LEGISLATIVE BILL 987. Mr. Chambers offered the following amendment:

Amend LB 987 Committee amendment (for identification purposes)
Sec. 107: at end of line 3 add: "The Governor and the Secretary of State shall not be voting members."

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 21:

Anderson Barnett Bereuter Burrows Carsten
Cavanaugh Chambers DeCamp Duis Dworak
Fitzgerald Fowler Kremer R. Lewis Maresh
Marsh Mills Nichol Simpson Stull
Syas

Voting in the negative, 26:

Burbach Clark Cope Dickinson George
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kime F. Lewis Luedtke Mahoney
Marvel Moylan Murphy Rasmussen Rumery
Savage Skarda Stoney Swigart Warner
Wiltse

Not voting, 2:

Koch Schmit

The Chambers amendment lost with 21 ayes, 26 nays and 2 not voting.

Mr. DeCamp offered the following amendment:
Page 72, strike lines 5 through 8
Page 73, line 18, strike "initiate appropriate" and insert "report the apparent violation to the Attorney General"; strike lines 19 through 27.

Page 74, strike lines 1 through 27.
Page 75, strike lines 1 through 27.
Page 75, strike lines 1 and 2.
Page 77, strike sec. 125 and insert the following:

"Sec. 125. The Attorney General shall have exclusive authority to enforce the provisions of this act."

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 22:

Burbach
Chambers
DeCamp
Dickinson
Dworak
Fitzgerald
George
Goodrich
Kelly
Kennedy
Kime
R. Lewis
Mahoney
Maresh
Mills
Moylan
Nichol
Savage
Schmit
Swigart
Syas
Warner

Voting in the negative, 23:

Anderson
Barnett
Bereuter
Burrows
Carsten
Cope
Fowler
Hasebroock
Johnson
Keyes
Kremer
F. Lewis
Luedtke
Marsh
Marvel
Murphy
Rasmussen
Rumery
Simpson
Skarda
Stoney
Stull
Wiltse

Not voting, 4:

Cavanaugh
Clark
Duis
Koch

The DeCamp amendment lost with 22 ayes, 23 nays and 4 not voting.

Mr. Cavanaugh moved to reconsider action on the adoption of the Koch amendment (1) found in the Journal on page 1477 for the Fifty-seventh Day.

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 19:

Anderson
Bereuter
Burrows
Cavanaugh
Chambers
Dworak
Fowler
Goodrich
Kelly
F. Lewis
R. Lewis
Luedtke
Maresh
Marvel
Mills
Murphy
Rumery
Stoney
Warner

Voting in the negative, 24:

Carsten	Cope	DeCamp	Dickinson	Duis
Fitzgerald	Hasebroock	Johnson	Kennedy	Keyes
Kime	Kremer	Mahoney	Marsh	Moylan
Rasmussen	Savage	Schmit	Simpson	Skarda
Stull	Swigart	Syas	Wiltse	

Not voting, 6:

Barnett	Burbach	Clark	George	Koch
Nichol				

The motion lost with 19 ayes, 24 nays and 6 not voting.

Mr. Warner offered the following amendment:

Amend LB 987 page 58 subsection "C" page 59 line 2 after "dollars" add "and each individual covered by this act shall also report all other forms of wealth, including but not limited to, checking accounts and savings accounts, stocks and bonds, government securities, and other tangible and intangible items of value.

Mr. Bereuter requested a record vote.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays and 29 not voting.

The Call showed 48 members present.

Mr. DeCamp requested a roll call vote.

Mr. Barnett moved the Call be raised. The motion prevailed.

Voting in the affirmative, 29:

Barnett	Burbach	Burrows	Carsten	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Kelly	Kennedy	Keyes	R. Lewis
Maresh	Mills	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Skarda
Stoney	Swigart	Syas	Warner	

Voting in the negative, 17:

Anderson	Bereuter	Cavanaugh	Clark	Cope
Goodrich	Hasebroock	Johnson	Kime	F. Lewis
Luedtke	Mahoney	Marsh	Marvel	Simpson
Stull	Wiltse			

Not voting, 3:

Chambers Koch Kremer

The Warner amendment was adopted with 29 ayes, 17 nays and 3 not voting.

Mr. Warner offered the following amendment:
Amend LB 987 Page 58, Line 22 starting with the word "The" strike the balance of line 22, and all of line 23, 24, and 25.

Mr. Savage moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays and 20 not voting.

Mr. Cavanaugh requested a record vote on the Warner amendment.

Voting in the affirmative, 31:

Barnett Carsten Clark DeCamp Dickinson
Duis Dworak Fitzgerald George Goodrich
Johnson Kelly Kennedy Keyes Kime
Koch Kremer Mahoney Maresh Marsh
Mills Murphy Nichol Rasmussen Savage
Skarda Stoney Stull Syas Warner
Wiltse

Voting in the negative, 9:

Bereuter Cavanaugh Cope Fowler Luedtke
Marvel Moylan Rumery Swigart

Not voting, 9:

Anderson Burbach Burrows Chambers Hasebroock
F. Lewis R. Lewis Schmit Simpson

The amendment was adopted with 31 ayes, 9 nays and 9 not voting.

Mr. Chambers moved to indefinitely postpone LB 987.

Mr. Chambers moved to suspend the rules, Rule 7, Sec. 3(a) to consider his motion today.

The motion prevailed with 36 ayes, 3 nays and 10 not voting.

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay and 18 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 28 ayes, 5 nays and 16 not voting.

The Call showed 49 members present.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 7:

Burrows Chambers DeCamp R. Lewis Mills
Nichol Stull

Voting in the negative, 40:

Anderson Barnett Bereuter Burbach Carsten
Cavanaugh Clark Cope Dickinson Duis
Dworak Fitzgerald Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Koch Kremer Luedtke Mahoney Maresh
Marsh Marvel Moylan Murphy Rasmussen
Rumery Savage Schmit Simpson Skarda
Stoney Swigart Syas Warner Wiltse

Not voting, 2:

George F. Lewis

The motion to indefinitely postpone lost with 7 ayes, 40 nays and 2 not voting.

Mr. Chambers moved the Call be raised. The motion prevailed.

Mr. Dickinson offered the following amendment:

Amend LB 987 Line 24 Page 18 after committee insert "which can be a one person committee, that person being the candidate".

The amendment was adopted with 32 ayes, 0 nays and 17 not voting.

Mr. F. Lewis offered the following amendment:

AMENDMENTS TO LB 987

1. On page 40, line 10 insert a new subsection as follows:

"(4) Notwithstanding the provisions of this section, any entity composed in total by natural persons, or owned in total by natural persons each holding an equal share, whose composite natural person members or owners are either citizens or potential citizens, and whose composite natural person members or owners share equal authority and opportunity for participation for the determination of internal decisions of the entity, may contribute or make an expenditure or provide volunteer personal services in the same manner and to the same extent as if the natural persons so associated were acting singularly.".

The amendment lost with 9 ayes, 21 nays and 19 not voting.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 29, 1976, at 9:55 a.m., were the following bills: 809 and 899.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 673.

Correctly Engrossed

The following bill was correctly engrossed: 823.

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 821. Mr. Schmit offered the following amendment:

AMENDMENTS TO LB 821

1. On page 2, line 1 after "in" insert "sections 1 to 13 of".
2. On page 7, line 27, page 8, lines 13 and 23, page 9, line 6, page 11, line 16, page 12, line 1, and page 13, line 11 after "of" insert "sections 1 to 13 of".

3. On page 13, line 20 strike "This" and insert "Sections 1 to 13 of this".

4. Insert the following new sections:

"Sec. 14. That section 81-1504, Revised Statutes Supplement, 1974, be amended to read as follows:

Amend Sec. 81-1504, subsection (4) to read as follows and subsection (26) to read as follows
to add a subsection (27)

(4) To act as the state water pollution, air pollution, and solid waste pollution control agency for all purposes of the ~~federal~~ Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816, the Clean Air Act, as amended, 42 U.S.C. 1857 et seq., the Solid Waste Disposal Act, as amended, 42 U.S.C. 3251 et seq., and any other federal legislation pertaining to loans or grants for environmental protection and from other sources, public or private, for carrying out any of its functions, which loans and grants shall not be expended for other than the purposes for which provided;

(26) To employ the Governor's Keep Nebraska Beautiful Committee for such special occasions and projects as the department may decide and reimbursement of the committee shall be made from state and appropriate federal matching funds for each assignment of work by the department; and~~.~~

(27) To issue water quality certifications under the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816.

Sec. 15. Amend 81-1505 subsection (11) to read as follows:

(11) In adopting regulations for the issuance of permits under the National Pollutant Discharge Elimination System created by the Federal Water Pollution Control Act Amendments of 1972, ~~Public Law 92-500~~ 86 Stat. 816, the council shall consider when such permits shall be required and exemptions, application and filing requirements, terms and conditions affecting such permits, notice and public participation, duration and review of such permits, and monitoring, recording, and reporting under the system.

Add a new subsection (15) to read as follows and renumber subsection 16, 17, 18, and 19 as subsections 17, 18, 19, 20.

(15) In adopting regulations for the issuance of water quality certifications under the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816, the council shall consider when such permits shall be

required, application and filing requirements, terms and conditions affecting such certifications, notice and public participation, duration and review of such certifications, and monitoring, recording, and reporting under issued certifications.

Amend subsection (20) to read as follows:

~~(19)~~ (20) In addition to such standards as are heretofore authorized, the council shall adopt rules and regulations to set standards of performance, effluent standards, pretreatment standards, treatment standards, toxic pollutant standards and limitations, effluent limitations, effluent prohibitions, and quantitative limitations or concentrations which shall in all respects conform with and meet the requirements of the National Pollutant Discharge Elimination System in the Federal Water Pollution Control Act Amendments of 1972, ~~Public Law 92-500~~ 86 Stat. 816.

Sec. 16. That section 81-1506, Revised Statutes Supplement, 1974, be amended to read as follows:

81-1506. (1) It shall be unlawful for any person:

(a) To cause pollution of any air, waters or land of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters or land of the state; or

(b) To discharge or emit any wastes into any air, waters or land of the state which reduce the quality of such air, waters or land below the air, water or land quality standards established therefor by the council. Any such action is hereby declared to be a public nuisance.

(2) It shall be unlawful for any person to carry on any of the following activities unless he holds a current permit or certification therefor from the department, as is required by it, for the disposal of all wastes which are or may be discharged or emitted thereby into the air, waters or land of the state:

(a) Discharges for which a permit is required under the National Pollutant Discharge Elimination System created by the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816 in which case the issuance of such permits shall be according to rules and regulations adopted by the council pursuant to subsection (11) of section 81-1505 and to which other provisions of this section shall not apply;

(b) The construction, installation, modification or operation of any disposal system or part thereof or any extension or addition thereto;

(c) The increase in volume or strength of any wastes in excess of the permissive discharges specified under any existing permit;

(d) The construction, installation, or operation of any industrial, commercial, or other establishment or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge or emission of wastes into the air, waters or land of the state or would otherwise alter the physical, chemical or biological properties of any air, waters or land of the state in any manner not already lawfully authorized; or

(e) The construction or use of any new outlet for the discharge of any wastes into the air, waters or land of the state; or ~~.~~

(f) The conduct of any activity including the construction or operation of facilities which may result in any discharge into waters of the state and for which a federal license or permit is required pursuant to the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816.

The department, under such conditions as it may prescribe, shall for the review, recommendations and written approval of the director require the submission of such plans, specifications and other information as it deems necessary to carry out the provisions of sections 81-1501 to 81-1532 or to carry out the rules and regulations adopted pursuant to the provisions of sections 81-1501 to 81-1532. When deemed necessary by the director, such plans and specifications shall be prepared and submitted by a professional engineer duly registered to practice in the State of Nebraska.

(3) If within thirty days of the receipt of plans, specifications or other information required pursuant to this section the department determines that the proposed construction, installation or establishment will not be in accordance with the requirements of sections 81-1501 to 81-1532 or applicable rules and regulations, it shall issue a preliminary order prohibiting the construction, installation or establishment of the air, water or land contaminant source or sources. Failure of such an order to issue within the time prescribed in this subsection shall be deemed a determination that the construction, installation or establishment may proceed, if it is in accordance with the plans, specifications or other information, if any, required to be submitted.

(4) In addition to any other remedies available on account of the issuance of a preliminary order disapproving construction, installaion, or establishment and prior to invoking any such remedies, the person aggrieved thereby shall, upon request and in accordance with rules of practice and procedure of the department, be entitled to a hearing on the order. Following such hearing, the preliminary order may be affirmed, modified or withdrawn by a final order of the director which order shall be subject to review as provided in section 81-1509.

(5) Nothing in this section shall be construed to authorize the department to specify the type, design, method of installation or type of construction of any equipment of manufacturing processes, or the kind or composition of fuels permitted to be sold, stored or used.

(6) Failure by the department to issue an order pursuant to this section shall not relieve any person from compliance with any emission or discharge control requirements or with any other provision of law.

Sec. 18. That original sections 81-1504, 81-1505, and 81-1506, Revised Statutes Supplement, 1974, are repealed.".

5. Renumber original section 14 as section 17.

Mr. Schmit moved for a Call of the House. The motion prevailed with 15 ayes, 2 nays and 32 not voting.

Mr. Fowler moved the Call be raised. The motion prevailed.

The Schmit amendment was adopted with 28 ayes, 3 nays and 18 not voting.

Mr. Mills moved to indefinitely postpone.

Mr. Kremer moved to suspend the rules to consider the motion to indefinitely postpone today.

Mr. Kremer moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay and 25 not voting.

Mr. Kremer moved the Call be raised. The motion prevailed.

The motion to suspend the rules prevailed with 31 ayes, 8 nays and 10 not voting.

Mr. Marvel asked unanimous consent to be excused at 11:40 a.m. until he returns. No objections. So ordered.

Mr. Kennedy asked unanimous consent to be excused at 11:45 a.m. until he returns. No objections. So ordered.

Mr. Mills moved for a Call of the House. The motion prevailed with 19 ayes, 9 nays and 21 not voting.

Mr. Mills requested a roll call vote.

Voting in the affirmative, 21:

Barnett Bereuter Burrows Carsten Clark
DeCamp Dickinson Duis Dworak Goodrich
Kelly Keyes Kime R. Lewis Maresh
Mills Murphy Nichol Rasmussen Simpson
Stull

Voting in the negative, 23:

Anderson Burbach Cope Fitzgerald Fowler
Hasebroock Johnson Koch Kremer F. Lewis
Luedtke Mahoney Marsh Moylan Rumery
Savage Schmit Skarda Stoney Swigart
Syas Warner Wiltse

Not voting, 5:

Cavanaugh Chambers George Kennedy Marvel

The motion to indefinitely postpone lost with 21 ayes, 23 nays and 5 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed.

UNANIMOUS CONSENT—Bracket LB 202

Mr. Burbach asked unanimous consent to bracketLB 202 until April 7, 1976. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 821. Mr. Mills requested a machine vote on advancing LB 821.

Mr. Swigart moved for a Call of the House. The motion lost with 10 ayes, 14 nays and 25 not voting.

Failed to advance to E & R for Engrossment with 23 ayes, 17 nays and 9 not voting.

MOTION–Return LB 987 to Select File

Mr. Bereuter moved to return LB 987 to Select File for the following specific amendment:
1. Page 1483 of the Legislative Journal, strike the Marvel Amendment regarding the operative date of the act and insert:
"Sections 106 through 122 shall become operative according to law or as specified. The other sections of the bill shall become operative July 1, 1977."

The motion prevailed with 28 ayes, 7 nays and 14 not voting.

SELECT FILE

LEGISLATIVE BILL 987. The Bereuter specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 332 to Select File

Mr. Schmit moved to return LB 332 to Select File for the following specific amendment:

Amendment to LB 332 (Final Reading Copy)

1. On page 4, line 7 after "act" insert ", but only regarding the conducting of training sessions, issuing of recommendations of satisfactory training, examination of commercial applicators, and certificates of knowledge in the use and application of pesticide by private applicators without instruction".

2. Insert a new section as follows:
"Sec. 5. If any federal funds become available for the administration of the pesticide laws in this state, such funds shall be used prior to the expenditure of any funds appropriated to carry out the provisions of this act.".

3. Renumber original sections 5 and 6 as section 6 and 7 respectively.

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 332. The Schmit specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 782 to Select File

Mr. DeCamp moved to return LB 782 to Select File for the following specific amendment:

Amendment to LB 782 (Final Reading Copy)

1. On page 4, line 12 strike "paired with one or more" and insert "under the direction of".

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 782. The DeCamp specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-engrossment.

SELECT FILE

LEGISLATIVE BILL 781. Mr. Rasmussen renewed his pending motion found in the Journal on page 1450 for the Fifty-seventh Day to indefinitely postpone.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays and 20 not voting.

The motion to indefinitely postpone lost with 12 ayes, 21 nays and 16 not voting.

Mr. Chambers requested a machine vote on advancing to E & R Final.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 19 ayes, 5 nays and 25 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed.

Advanced to E & R for Engrossment with 25 ayes, 11 nays and 13 not voting.

MOTION—Return LB 76 to Select File

Mr. F. Lewis moved to return LB 76 to Select File for the following specific amendment:

Page 1, line 24 strike "fifty".

The motion to return prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 76. The F. Lewis specific amendment found in this day's Journal was adopted with 27 ayes, 1 nay and 21 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 76 to Select File

Mr. Kelly moved to return LB 76 to Select File for the following specific amendment:

Raise Governor pay from $25,000 to $40,000.

The motion to return prevailed with 26 ayes, 4 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 76. The Kelly specific amendment found in this day's Journal was adopted with 25 ayes, 4 nays and 20 not voting.

Advanced to E & R for Re-Engrossment.

VISITORS

The President introduced 15 students and teacher from Concordia Teachers College, Seward, Nebraska; 39 seventh, eighth, and ninth grade students and teacher from Columbus, Nebraska; 8 senior high students and teacher from Lexington, Nebraska; 50 ninth grade students and teacher from Ralston, Nebraska; Mother of Senator Mahoney and Father Ken Potts from Omaha, Nebraska; Father Rapheal LaBrea from St. Thomas Seminary, Manila, Phillipines; Mr. and Ms. Sutopo Ishadi, Chief Special Events Section Republic of Indonesia Television, Indonesia; Father John Michalak, Pastor of St. Staislaus Parish; and Mrs. Rene Ann Garvey and daughter, Mary, cousins of Senator Fitzgerald.

RECESS

At 12:32 p.m., on a motion by Speaker Burbach, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hasebroock who was excused; Mr. Marvel who was excused until he arrives; and Mr. Chambers who was absent until 2:30 p.m.

MESSAGES FROM THE GOVERNOR

March 29, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 176, 647, 819, 995, 999, and 1005.

These bills were signed by me on March 29, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

March 30, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 296, 643, 644, 645, 660, 686, 716, 718, 733, 749, 750, 776, 911, and 916.

These bills were signed by me on March 30, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

MOTION—Suspend Rules

Speaker Burbach moved to suspend the rules, Rule 6, Sec (6) to read tomorrow's Final Readings today.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 972. With Emergency.

A BILL FOR AN ACT to amend Laws 1975, LB 604, sections 2 and 18, Laws 1975, LB 607, section 22, Laws 1975, LB 610, sections 4 and 8 to 10, Laws 1975, LB 610, sections 11 to 14 with items reduced by line item veto, Laws 1975, LB 604, section 14, as amended by section 14, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, Laws 1975, LB 605, section 10, as amended by section 3, Legislative Bill 581, Eighty-fourth Legislature, First Session, 1975, Laws 1975, LB 605, section 5, as amended by section 22, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, Laws 1975, LB 606, section 2, as amended by section 27, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, and Laws 1975, LB 607, section 10, as amended by section 30, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, relating to appropriations; to change appropriations for certain agencies; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Anderson	Barnett	Bereuter	Burbach	Burrows
Carsten	Cope	Dickinson	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Johnson
Kelly	Keyes	Kime	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Marsh	Mills
Moylan	Rumery	Savage	Schmit	Simpson
Skarda	Stoney	Stull	Swigart	Syas
Warner	Wiltse			

Voting in the negative, 4:

Clark	DeCamp	Kennedy	Marvel

Not voting, 8:

Cavanaugh	Chambers	Hasebroock	Mahoney	Maresh
Murphy	Nichol	Rasmussen		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

VISITORS

The President introduced Secretary of the Army of U.S., Martin R. Hoffman and Board of Regent Member, Ed Swartzkopf.

The Secretary spoke to the members briefly.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 579. With Emergency.

A BILL FOR AN ACT relating to education; to declare intent; to create the Nebraska Coordinating Commission for Postsecondary Education; to provide for membership; to provide for powers and duties of the commission; to provide for funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Barnett Bereuter Burbach Burrows Carsten
Cavanaugh Cope Dickinson Duis Dworak
Fitzgerald Fowler George Goodrich Johnson
Kelly Keyes Koch Kremer F. Lewis
R. Lewis Luedtke Mahoney Marsh Mills
Moylan Murphy Nichol Rumery Savage
Schmit Skarda Stoney Stull Swigart
Syas Warner Wiltse

Voting in the negative, 5:

Clark Kime Maresh Rasmussen Simpson

Not voting, 6:

Anderson Chambers DeCamp Hasebroock Kennedy
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 690. With Emergency.

A BILL FOR AN ACT to make appropriations for expenses of agencies of higher education for the period of July 1, 1976, to June 30, 1977; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Anderson Barnett Bereuter Burbach Carsten
Cavanaugh Chambers Cope Dickinson Fitzgerald
Fowler Goodrich Johnson Keyes Koch
Kremer F. Lewis R. Lewis Luedtke Mahoney
Maresh Marsh Mills Moylan Rasmussen
Rumery Savage Schmit Simpson Skarda
Stoney Stull Swigart Syas Warner
Wiltse

Voting in the negative, 8:

Clark DeCamp Duis Dworak Kelly
Kennedy Kime Marvel

Not voting, 5:

Burrows George Hasebroock Murphy Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 883. With Emergency.

A BILL FOR AN ACT to amend Laws 1975, LB 607, sections 7, 9, and 18, Laws 1975, LB 604, section 7, as amended by section 9, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, and Laws 1975, LB 607, sections 8 and 26, as amended by sections 29 and 32, respectively, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975, relating to appropriations; to increase certain cash and revolving fund appropriations; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Clark Cope
DeCamp Dickinson Duis Dworak Fitzgerald
Fowler George Goodrich Johnson Kelly
Kennedy Keyes Kime Koch Kremer
F. Lewis R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Mills Moylan Nichol
Rasmussen Rumery Savage Schmit Simpson
Skarda Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 0.

Not voting, 2:

Hasebroock Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—Change of Order

Speaker Burbach asked unanimous consent to revert to Select File and consider LB 821. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 821. Mr. Kremer moved to advance LB 821.

Mr. Simpson moved to reconsider action on the adoption of the Schmit amendment adopted today.

The motion to reconsider prevailed with 26 ayes, 9 nays and 14 not voting.

Mr. Schmit asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Kremer moved to advance LB 821.

Mr. Kremer moved for a Call of the House. The motion prevailed with 24 ayes, 8 nays and 17 not voting.

Mr. Mills requested a roll call vote.

Voting in the affirmative, 25:

Anderson Burbach Cope Fitzgerald Fowler
Goodrich Johnson Koch Kremer F. Lewis
R. Lewis Luedtke Mahoney Marsh Marvel
Moylan Rumery Savage Simpson Skarda
Stoney Swigart Syas Warner Wiltse

Voting in the negative, 19:

Barnett Bereuter Burrows Carsten Clark
DeCamp Dickinson Duis Dworak Kelly
Kennedy Keyes Kime Maresh Mills
Nichol Rasmussen Schmit Stull

Not voting, 5:

Cavanaugh Chambers George Hasebroock Murphy

Advanced to E & R for Engrossment with 25 ayes, 19 nays and 5 not voting.

Mr. Savage moved the Call be raised. The motion prevailed.

UNANIMOUS CONSENT—Change of Order

Mr. F. Lewis asked unanimous consent to consider a motion on LB 76 at this time. No objections. So ordered.

MOTION—Return LB 76 to Select File

Mr. F. Lewis moved to return LB 76 to Select File for the following specific amendment:

AMENDMENT TO LB 76

1. Strike the F. Lewis amendment adopted 3/30.
2. In the F. Lewis specific amendments, page 2, line 24, strike "fifty" and insert "~~fifty~~".

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 12 ayes, 3 nays and 34 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

The motion to return prevailed with 27 ayes, 2 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 76. Mr. F. Lewis moved the adoption of his pending specific amendment.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay and 31 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

The F. Lewis amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 76 to Select File

Mr. Mahoney moved to return LB 76 to Select File for the following specific amendment:

In the F. Lewis specific amendments, page 5, strike "thirty-four" and insert "thirty-seven"; and in lines 6 and 7 strike "two hundred fifty" and insert "~~hundred~~".

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays and 17 not voting.

The motion to return to Select File failed with 20 ayes, 21 nays and 8 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1007. With Emergency.

A BILL FOR AN ACT relating to the University of Nebraska at Omaha; to authorize a capital construction project; to appropriate funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 34:

Anderson Barnett Bereuter Burbach Carsten
Cavanaugh Chambers Cope DeCamp Dickinson
Fitzgerald Fowler Goodrich Johnson Keyes
Koch Kremer F. Lewis Luedtke Mahoney
Marsh Mills Moylan Rumery Savage
Schmit Simpson Skarda Stoney Stull
Swigart Syas Warner Wiltse

Voting in the negative, 11:

Clark Dworak George Kelly Kennedy
Kime R. Lewis Maresh Marvel Murphy
Rasmussen

Not voting, 4:

Burrows Duis Hasebroock Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1008. With Emergency.

A BILL FOR AN ACT relating to the University of Nebraska at Lincoln; to authorize capital installation and modifications; to appropriate funds; to repeal section 29, Legislative Bill 1004, Eighty-fourth Legislature, Second Session, 1976, and section 42, Legislative Bill 1055, Eighty-third Legislature, Second Session, 1974; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Anderson Barnett Bereuter Burbach Carsten
Cavanaugh Chambers Cope Duis Fitzgerald
Fowler Goodrich Johnson Keyes Koch
Kremer F. Lewis Luedtke Mahoney Marsh
Mills Moylan Nichol Rumery Savage
Schmit Simpson Skarda Stoney Stull
Swigart Syas Warner Wiltse

Voting in the negative, 9:

Dickinson Dworak Kelly Kennedy Kime
R. Lewis Maresh Marvel Rasmussen

Not voting, 6:

Burrows Clark DeCamp George Hasebroock
Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1010. With Emergency.

A BILL FOR AN ACT to appropriate funds for the cost of repairing fire damage at the University of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Barnett Bereuter Burbach Carsten Cavanaugh
Chambers Cope Dickinson Duis Fitzgerald
Fowler Goodrich Johnson Keyes Koch
Kremer F. Lewis R. Lewis Luedtke Mahoney
Maresh Marsh Mills Moylan Nichol
Rasmussen Rumery Savage Schmit Simpson
Skarda Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 9:

Anderson Burrows Clark DeCamp Dworak
George Kelly Kennedy Marvel

Not voting, 3:

Hasebroock Kime Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1011. With Emergency.

A BILL FOR AN ACT to authorize the Board of Trustees of the Nebraska State Colleges to acquire Major's Hall on the Peru State College Campus; to make an appropriation; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 26:

Burbach Carsten Cope DeCamp Fitzgerald
Goodrich Johnson Keyes Koch F. Lewis
Luedtke Mahoney Maresh Marsh Moylan
Murphy Rumery Savage Schmit Simpson
Skarda Stull Swigart Syas Warner
Wiltse

Voting in the negative, 22:

Anderson Barnett Bereuter Burrows Cavanaugh
Chambers Clark Dickinson Duis Dworak
Fowler George Kelly Kennedy Kime
Kremer R. Lewis Marvel Mills Nichol
Rasmussen Stoney

Not voting, 1:

Hasebroock

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 26:

Burbach Carsten Cope DeCamp Fitzgerald
Goodrich Johnson Keyes Koch Luedtke
Mahoney Maresh Marsh Mills Moylan
Murphy Rumery Savage Schmit Simpson
Skarda Stull Swigart Syas Warner
Wiltse

Voting in the negative, 22:

Anderson Barnett Bereuter Burrows Cavanaugh
Chambers Clark Dickinson Duis Dworak

Fowler
George
Kelly
Kennedy
Kime
Kremer
F. Lewis
R. Lewis
Marvel
Nichol
Rasmussen
Stoney

Not voting, 1:

Hasebroock

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass with the emergency clause stricken.

LEGISLATIVE BILL 204.

A BILL FOR AN ACT to amend sections 53-123.03, 53-127, and 53-149, Reissue Revised Statutes of Nebraska, 1943, section 53-179, Revised Statutes Supplement, 1974, and section 53-125, Revised Statutes Supplement, 1975, relating to alcoholic liquors; to provide a geographic limitation; to provide a penalty; to provide for licenses with rights of survivorship; to provide an additional authorized licensee; to permit the sale of wine on Sunday; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Anderson
Barnett
Burbach
Carsten
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Fitzgerald
George
Goodrich
Johnson
Keyes
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Mills
Moylan
Savage
Schmit
Simpson
Skarda
Swigart
Warner

Voting in the negative, 14:

Bereuter
Chambers
Dworak
Fowler
Kelly
Kennedy
Koch
Kremer
R. Lewis
Marvel
Nichol
Rumery
Stull
Wiltse

Not voting, 8:

Burrows
Cope
Hasebroock
Kime
Murphy
Rasmussen
Stoney
Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 948.

A BILL FOR AN ACT to adopt the Nebraska Cooperative Credit Union Guaranty Corporation Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 1:

R. Lewis

Not voting, 2:

Chambers
Hasebroock

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

REPORT OF FISCAL PROJECTIONS

Mr. Carsten reported to the members on the projections by the Legislative Fiscal office and the Department of Revenue.

UNANIMOUS CONSENT—Member Excused

Mr. Anderson asked unanimous consent to be excused at 4:15 p.m. today. No objections. So ordered.

MOTIONS—Final Reading Bills

Mr. Duis moved to rescind his motion found in the Journal on page 1218 regarding "A" Bills and companion bills and let them proceed as read.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 21 ayes, 7 nays and 21 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed.

The Duis motion prevailed with 28 ayes, 9 nays and 12 not voting.

Mr. Carsten moved to rescind the hold order on LB 454 and LB 454A found in the Journal on page 1217 and permit the delivery of those bills to the Governor.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 687. With Emergency.

A BILL FOR AN ACT to amend sections 81-8,244 and 81-8,245, Reissue Revised Statutes of Nebraska, 1943, relating to Public Counsel; to authorize the appointment of a deputy public counsel for corrections; to provide duties; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Anderson	Barnett	Bereuter	Burbach	Burrows
Cavanaugh	Clark	Cope	DeCamp	Dworak
Fitzgerald	Fowler	George	Goodrich	Kelly
Keyes	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Marsh	Marvel	Mills	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Swigart	Warner

Voting in the negative, 8:

Carsten	Dickinson	Duis	Mahoney	Maresh
Stull	Syas	Wiltse		

Not voting, 6:

Chambers Hasebroock Johnson Kennedy Kime
Moylan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 204, 579, 690, 883, 948, 972, 1007, 1008, and 1010.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 204, 579, 690, 883, 948, 972, 1007, 1008, and 1010.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 687A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 687, Eighty-fourth Legislature, Second Session, 1976.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Anderson Barnett Bereuter Burbach Burrows
Cavanaugh Chambers Clark Cope DeCamp
Dworak Fowler George Goodrich Kelly
Keyes Kime Koch Kremer F. Lewis

Luedtke
Marsh
Marvel
Mills
Moylan
Murphy
Rasmussen
Rumery
Savage
Simpson
Skarda
Stoney
Swigart
Warner

Voting in the negative, 7:

Carsten
Dickinson
Duis
Maresh
Stull
Syas
Wiltse

Not voting, 8:

Fitzgerald
Hasebroock
Johnson
Kennedy
R. Lewis
Mahoney
Nichol
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 761.

A BILL FOR AN ACT to amend sections 43-643, 43-645, 43-646, 43-651, and 43-652, Reissue Revised Statutes of Nebraska, 1943, and sections 43-604, 43-607, 43-625, and 43-642, Revised Statutes Supplement, 1974, relating to the care and education of handicapped children; to define terms; to change provisions relating to transportation expenses; to provide duties of the State Board of Education; to change funding provisions as prescribed; to provide that individuals to age twenty-one may receive services; to create the Special Education Appeal Board; to provide duties of such board; to provide for investigations and hearings; to provide for severability; and to repeal the original sections, and also section 43-616.01, Revised Statutes Supplement, 1974.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Cope
Dickinson
Fitzgerald
Fowler
George
Goodrich
Kelly
Keyes
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Marsh
Mills
Moylan
Rumery
Schmit
Simpson
Skarda
Stoney
Syas
Warner
Wiltse

Voting in the negative, 8:

DeCamp Duis Dworak Kennedy Marvel
Rasmussen Stull Swigart

Not voting, 8:

Clark Hasebroock Johnson Kime Maresh
Murphy Nichol Savage

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 761A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 761, Eighty-fourth Legislature, Second Session, 1976.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass.' "

Voting in the affirmative, 30:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Cope Dickinson
Fitzgerald Fowler George Goodrich Kelly
Keyes Koch Kremer F. Lewis Luedtke
Mahoney Marsh Mills Moylan Rumery
Simpson Skarda Stoney Syas Warner

Voting in the negative, 11:

Clark DeCamp Duis Dworak Kennedy
Marvel Nichol Rasmussen Stull Swigart
Wiltse

Not voting, 8:

Hasebroock Johnson Kime R. Lewis Maresh
Murphy Savage Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 867. With Emergency.

A BILL FOR AN ACT to amend section 80-401, Revised Statutes Supplement, 1975, relating to the Nebraska Veterans' Aid Fund; to increase such fund to ten million dollars; to provide for appropriations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Bereuter Burbach Burrows Carsten Cavanaugh
Chambers Clark Cope DeCamp Dickinson
Duis Fitzgerald Fowler George Goodrich
Kelly Kennedy Keyes Kime Koch
Kremer F. Lewis R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Mills Moylan
Murphy Rasmussen Rumery Savage Schmit
Simpson Skarda Stoney Stull Syas
Warner Wiltse

Voting in the negative, 0.

Not voting, 7:

Anderson Barnett Dworak Hasebroock Johnson
Nichol Swigart

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 867A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 867, Eighty-fourth Legislature, Second Session, 1976; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Bereuter Burbach Burrows Carsten Cavanaugh
Chambers Clark Cope DeCamp Dickinson

Fitzgerald Fowler George Goodrich Kelly
Kennedy Keyes Koch Kremer F. Lewis
R. Lewis Luedtke Maresh Marsh Marvel
Mills Moylan Murphy Rasmussen Rumery
Savage Schmit Simpson Skarda Stoney
Stull Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 10:

Anderson Barnett Duis Dworak Hasebroock
Johnson Kime Mahoney Nichol Swigart

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—Withdraw Motion on LB 265

Mr. DeCamp asked unanimous consent to withdraw his pending motion found in the Journal on page 1474 for the Fifty-seventh Day to return LB 265 to Select File for his specific amendment. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. Bereuter asked unanimous consent to be excused at 4:40 p.m. today. No objections. So ordered.

MOTION—Disapprove Appointment

Mr. Chambers renewed his pending motion, found in the Journal on page 1485 for the Fifty-seventh Day, to disapprove the Governor appointment of Martin Dineen as State Fire Marshal.

Laid over.

UNANIMOUS CONSENT—LB 265

Mr. Kremer asked unanimous consent to unbracket and consider LB 265 on Final Reading. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 265. With Emergency.

A BILL FOR AN ACT to amend section 39-669.26, Revised Statutes Supplement, 1975, relating to serious traffic offenses; to change the point system dealing with traffic violations as prescribed; to provide exceptions; to provide applicability; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
Dickinson
Duis
Dworak
Fowler
George
Goodrich
Johnson
Kelly
Kennedy
Keyes
Koch
Kremer
R. Lewis
Luedtke
Maresh
Marsh
Mills
Moylan
Murphy
Rasmussen
Rumery
Savage
Schmit
Skarda
Stoney
Swigart
Warner
Wiltse

Voting in the negative, 2:

Simpson
Stull

Not voting, 10:

Anderson
DeCamp
Fitzgerald
Hasebroock
Kime
F. Lewis
Mahoney
Marvel
Nichol
Syas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

EASE

The Legislature was at ease from 4:48 p.m. until 5:20 p.m.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 30, 1976, at 4:50 p.m. were the following bills: 204, 579, 690, 883, 948, 972, 1007, 1008,1010, 454 and 454A.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 781 and 781A.

Correctly Enrolled

The following bills were correctly enrolled: 265, 687, 687A, 761, 761A, 867 and 867A.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 265, 687, 687A, 761, 761A, 867 and 867A.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 332. Replaced on Select File as amended.
E & R amendment to LB 332:

1. In the title, line 4, insert "to provide the order of expenditure of funds;" after the second semicolon.

LEGISLATIVE BILL 76. Replaced on Select File as amended.
E & R amendments to LB 76:

1. Pursuant to the Kelly amendment, in the Final Reading (Second) bill, page 2, line 8, strike "twenty-five" and insert "~~twenty-five~~ forty".
2. In the title, line 5, strike "judges" and insert "salaries"; in line 6 strike "judges' "; and in line 7 insert "to change a classification;" after the first semicolon.

LEGISLATIVE BILL 821. Replaced on Select File as amended.
E & R amendments to LB 821:

1. On page 2, lines 5 and 6, strike "of the Department".
2. On page 8, line 22, insert "the" at the end of line 22.

LEGISLATIVE BILL 987. Replaced on Select File as amended.
E & R amendments to LB 987:

(Amendments refer to the bill as amended by E & R amendments adopted 3/29.)

1. On page 4, line 7, strike "(3)" and insert "(2)".
2. On page 5, line 15, strike "(d)" and insert "(c)".
3. In the Marvel amendment 1, line 2, insert a comma after "formed".
4. On page 7, line 3, strike "106" and insert "105".
5. On page 11, line 1, strike "or lobbyist agent"; in line 2 insert "a principal to" after "from"; and in lines 2 and 3, strike "to a lobbyist agent".
6. On page 15, line 16, strike "Lobbyist or lobbyist agent" and insert "Principal or lobbyist".
7. On page 16, strike line 1 and insert:
   "(c) An employee of a principal or lobbyist".
8. In lieu of the Dickinson amendment to page 18, in section 45 as amended, line 3, insert "which may be a one person committee, that person being the candidate" after "committee".
9. On page 24, line 19, strike the period and insert a semicolon.
10. In the Marvel amendment 4, line 4, strike the period.
11. On page 46, lines 24 and 27 strike "or lobbyist agent".
12. On page 47, lines 7, 10, and 24, strike "or lobbyist agent"; in lines 13, 14, and 17, strike "agent"; and in line 18 strike "lobbyist" and insert "principal".
13. On page 48, line 16, strike "or lobbyist agent"; and in line 20 strike "and lobbyist agents".
14. On page 49, line 4, strike "or lobbyist agent"; in lines 6 and 7 and lines 14 and 15, strike "and lobbyist agent"; and in line 16 strike "or lobbyist agent" and insert a comma.
15. On page 50, insert "and" at the end of line 4; in line 6 strike "or lobbyist agent"; in line 7, strike "; and" and insert a period; and in line 15 strike "or lobbyist agent".
16. On page 51, lines 2 and 3, strike "lobbyist agents"; in lines 19 and 25 strike "and lobbyist agent"; in lines 9 and 10, 11, 21, and 23 and 24, strike "or lobbyist agent".

17. On page 52, line 6, strike "or a lobbyist agent"; and in line 7 strike "or lobbyist agent".

18. On page 53, lines 20 and 21, strike "or lobbyist agent"; and in line 27 strike "agent".

19. On page 54, line 22, strike "to 98" and insert "and 97".

20. On page 58, line 4, strike "105" and insert "104".

21. Renumber sections 98 to 138 as sections 97 to 137.

22. On page 60, line 26, strike "sections 96 and 97" and insert "section 96".

23. On page 62, line 27, strike "105" and insert "104".

24. On page 65, line 10, strike "103" and insert "102"; and in line 26, strike "103 and 104" and insert "102 and 103".

25. In committee amendments, page 2, lines 23, 25, and 27, strike "106" and insert "105".

26. In committee amendments, page 3, line 14 strike "105" and insert "104".

27. In committee amendments, page 4, line 6, strike "106" and insert "105".

28. In committee amendments, page 6, line 13, strike "115 or 116" and insert "114 or 115"; and in line 27 strike "127" and insert "126".

29. On page 75, line 25, strike "128" and insert "127".

30. On page 76, lines 5 and 18 strike "105" and insert "104".

31. Insert the new section added by Warner amendment as section 138.

32. On page 79, strike lines 19 and 20 and all amendments thereto and insert:

"Sec. 139. Sections 106 to 122 of this act shall become operative on their effective date or as specified therein. The other sections of this act shall become operative on July 1, 1977.".

33. In the Warner amendments to page 59, insert a comma before the first "and"; insert a comma after "including"; strike "account" and insert "accounts"; strike "item" and insert "items"; and in the last line strike the period.

(Signed) Donald N. Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 332. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 76. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 821. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 987. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 76, 332 and 782.

Correctly Engrossed

The following bills were correctly engrossed: 821 and 987.

(Signed) Donald N. Dworak, Chairman

ADJOURNMENT

At 5:23 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, March 31, 1976.

Vincent D. Brown
Clerk of the Legislature

FIFTY-NINTH DAY—MARCH 31, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 31, 1976

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Bishop Flavin from Lincoln.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson and Hasebroock who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-eighth Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 1976, at 9:00 a.m., were the following bills: 867A, 265, 687, 687A, 867, 761A, and 761.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—Member Excused

Mr. Kime asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION—Suspend Rules

Speaker Burbach moved to suspend the rules, Rule 6, Sec. 6b, to read the April 7 Final Readings today.

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

MOTION—Reconsider Action on LB 1011

Mr. F. Lewis moved to reconsider action on LB 1011 on Final Reading of May 30, 1976.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 32:

Burbach Burrows Carsten Cope Fitzgerald
Fowler Goodrich Johnson Keyes Kime
Koch Kremer F. Lewis Luedtke Mahoney
Maresh Marvel Mills Moylan Murphy
Nichol Rumery Savage Schmit Simpson
Skarda Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 14:

Barnett Bereuter Cavanaugh Clark DeCamp
Dickinson Duis Dworak George Kelly
Kennedy R. Lewis Marvel Rasmussen

Not voting, 3:

Anderson Chambers Hasebroock

The motion prevailed with 32 ayes, 14 nays and 3 not voting.

The question now is, "Shall the bill be reconsidered with the emergency clause?"

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 31:

Burbach Burrows Carsten Cope Fitzgerald
Fowler Goodrich Johnson Keyes Koch
Kremer F. Lewis Luedtke Mahoney Maresh
Marsh Mills Moylan Murphy Nichol
Rumery Savage Schmit Simpson Skarda
Stoney Stull Swigart Syas Warner
Wiltse

Voting in the negative, 15:

Barnett Bereuter Cavanaugh Chambers Clark
DeCamp Dickinson Duis Dworak George
Kelly Kennedy R. Lewis Marvel Rasmussen

Not voting, 3:

Anderson Hasebroock Kime

The motion lost with 31 ayes, 15 nays and 3 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1011.

A BILL FOR AN ACT to authorize the Board of Trustees of the Nebraska State Colleges to acquire Major's Hall on the Peru State College Campus; to make an appropriation; and to declare an emergency.

Whereupon the President stated: The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 31:

Burbach Burrows Carsten Cope DeCamp
Fitzgerald Fowler Goodrich Johnson Keyes
Koch Kremer F. Lewis Luedtke Mahoney
Maresh Marsh Mills Moylan Murphy
Nichol Rumery Savage Schmit Simpson
Skarda Stull Swigart Syas Warner
Wiltse

Voting in the negative, 15:

Barnett Bereuter Cavanaugh Chambers Clark
Dickinson Duis Dworak George Kelly
Kennedy R. Lewis Marvel Rasmussen Stoney

Not voting, 3:

Anderson Hasebroock Kime

Having received a constitutional majority voting in the affirmative the bill passed with the emergency clause stricken after reconsideration.

LEGISLATIVE BILL 182.

A BILL FOR AN ACT to amend section 32-1140, Reissue Revised Statutes of Nebraska, 1943, and section 32-1134, Revised Statutes Supplement, 1974, relating to elections; to exempt certain candidates and political committees from filing financial statements as prescribed; to harmonize local regulations with state laws; to create the State Campaign Finance Commission; to provide membership and eligibility for membership; to provide duties and responsibilities; to require campaign accounts as prescribed; to provide for the expenditures of campaign funds; to declare certain acts unlawful; to provide penalties; to provide an operative date; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Bereuter Burbach Clark Dickinson Duis
Dworak Fowler George Goodrich Kelly
Kennedy Kremer R. Lewis Maresh Marsh
Marvel Mills Murphy Rasmussen Rumery
Schmit Skarda Stoney Stull Swigart
Warner

Voting in the negative, 14:

Barnett Carsten Cavanaugh Chambers DeCamp
Fitzgerald Keyes Koch Mahoney Moylan
Savage Simpson Syas Wiltse

Not voting, 9:

Anderson Burrows Cope Hasebroock Johnson
Kime F. Lewis Luedtke Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Speaker Burbach asked unanimous consent to hold LB 182 in the possession of the Legislature until LB 987 has been disposed of. No objections. So ordered.

LEGISLATIVE BILL 313.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-734, 31-751, 31-753, 31-764, and 77-1917.01, Reissue Revised Statutes of Nebraska, 1943, sections 31-727, 31-735, 31-740, 31-744, and 31-749, Revised Statutes Supplement, 1974, and section 31-755, Revised Statutes Supplement, 1975; to harmonize provisions; to define terms; to increase the trustee's bond; to provide additional powers, purposes, duties, and contracts; to provide for levies, assessments, delinquencies, and collections; to change election provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Barnett
Bereuter
Burbach
Burrows
Cavanaugh
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fowler
George
Goodrich
Johnson
Kelly
Kennedy
Keyes
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Rasmussen
Rumery
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 2:

Carsten
Savage

Not voting, 7:

Anderson
Chambers
Fitzgerald
Hasebroock
Kime
Murphy
Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 434. Mr. Chambers moved to return LB 434 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Chambers requested a record vote.

Voting in the affirmative, 3:

Burrows Chambers Fowler

Voting in the negative, 34:

Barnett Burbach Carsten Clark Cope
DeCamp Dickinson Duis Fitzgerald George
Goodrich Johnson Kennedy Keyes Koch
R. Lewis Luedtke Mahoney Maresh Marsh
Moylan Murphy Nichol Rasmussen Rumery
Savage Schmit Skarda Stoney Stull
Swigart Syas Warner Wiltse

Not voting, 12:

Anderson Bereuter Cavanaugh Dworak Hasebroock
Kelly Kime Kremer F. Lewis Marvel
Mills Simpson

The motion lost with 3 ayes, 34 nays and 12 not voting.

LEGISLATIVE BILL 434.

A BILL FOR AN ACT to adopt the Nebraska Hospital-Medical Liability Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Barnett Bereuter Burbach Carsten Clark
Cope DeCamp Dickinson Duis Fitzgerald
George Goodrich Johnson Kelly Kennedy
Keyes Kime Koch Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Mills Moylan Murphy Nichol
Rasmussen Rumery Savage Schmit Simpson
Skarda Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 4:

Burrows Cavanaugh Chambers Fowler

Not voting, 3:

Anderson Dworak Hasebroock

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 464. With Emergency.

A BILL FOR AN ACT to amend section 9-103, Reissue Revised Statutes of Nebraska, 1943, relating to bingo; to change a qualification for a license; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Barnett Bereuter Burbach Carsten Cavanaugh
Clark Cope DeCamp Dickinson Duis
Dworak Fitzgerald Fowler George Goodrich
Johnson Kelly Keyes Kime Koch
F. Lewis R. Lewis Luedtke Mahoney Maresh
Marsh Mills Moylan Murphy Nichol
Rasmussen Savage Schmit Simpson Skarda
Stoney Stull Syas Warner

Voting in the negative, 6:

Chambers Kennedy Kremer Marvel Rumery
Swigart

Not voting, 4:

Anderson Burrows Hasebroock Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 691. With Emergency.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1976, to June 30, 1977; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Barnett Bereuter Burbach Burrows Carsten
Cavanaugh Chambers Cope Dickinson Fitzgerald
Fowler George Goodrich Johnson Keyes
Koch Kremer F. Lewis R. Lewis Luedtke
Mahoney Marsh Mills Moylan Nichol
Rasmussen Rumery Savage Schmit Simpson
Skarda Stoney Stull Syas Warner
Wiltse

Voting in the negative, 10:

Clark DeCamp Duis Dworak Kelly
Kennedy Kime Maresh Marvel Swigart

Not voting, 3:

Anderson Hasebroock Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 871.

A BILL FOR AN ACT to amend section 23-362, Reissue Revised Statutes of Nebraska, 1943, relating to Indians; to restate purposes; to provide for a report to the Governor; to provide for a program of alcohol rehabilitation as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Barnett Burbach Burrows Carsten Cavanaugh
Clark Cope Dickinson Duis Dworak
George Goodrich Kelly Keyes Kime
Koch Kremer F. Lewis R. Lewis Luedtke
Mahoney Marsh Marvel Mills Moylan

Rasmussen Rumery Savage Schmit Simpson
Skarda Stoney Stull Swigart Warner
Wiltse

Voting in the negative, 4:

Bereuter Chambers Fowler Maresh

Not voting, 9:

Anderson DeCamp Fitzgerald Hasebroock Johnson
Kennedy Murphy Nichol Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 871A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 871, Eighty-fourth Legislature, Second Session, 1976; to amend section 55, Legislative Bill 691, Eighty-fourth Legislature, Second Session, 1976; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Barnett Bereuter Burbach Burrows Carsten
Cavanaugh Cope Dickinson Duis Dworak
George Goodrich Kelly Keyes Kime
Koch Kremer F. Lewis R. Lewis Luedtke
Mahoney Marsh Marvel Mills Moylan
Nichol Rasmussen Rumery Savage Schmit
Simpson Skarda Stoney Stull Swigart
Warner Wiltse

Voting in the negative, 0.

Not voting, 12:

Anderson Chambers Clark DeCamp Fitzgerald
Fowler Hasebroock Johnson Kennedy Maresh
Murphy Syas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 779. With Emergency.

A BILL FOR AN ACT to assent to the provisions of the Federal Water Projects Recreation Act as amended; to provide authority; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Bereuter
Burbach
Burrows
Carsten
Clark
Cope
DeCamp
Duis
Dworak
Fitzgerald
Goodrich
Kelly
Kennedy
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Wiltse

Voting in the negative, 6:

Barnett
Chambers
Dickinson
Fowler
George
Warner

Not voting, 8:

Anderson
Cavanaugh
Hasebroock
Johnson
Keyes
Mahoney
Marvel
Savage

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 794. With Emergency.

A BILL FOR AN ACT to amend section 84-1326.01, Revised Statutes Supplement, 1975, relating to public employees; to provide for the transfer of employee benefits when the status of employees has been changed by legislative action; to provide procedures for the transfer of benefits; to provide for the payment of money for benefits; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Johnson	Kelly	Kennedy	Keyes
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit
Simpson	Skarda	Stoney	Stull	Swigart
Syas	Warner	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Anderson	Clark	Hasebroock	Kime	Mahoney
Marvel				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 794A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 794, Eighty-fourth Legislature, Second Session, 1976; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Kelly	Kennedy	Keyes	Kime
Koch	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Anderson
Clark
Hasebroock
Johnson
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 806. With Emergency.

A BILL FOR AN ACT relating to mental health; to provide mental health boards in each county; to define terms; to change commitment proceedings; to provide legal counsel; to provide a penalty; to provide appellate procedures; to amend sections 80-601, 83-308.02, 83-312, 83-314, 83-318, 83-324, 83-339, and 83-351, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2203, 83-306, and 83-337, Revised Statutes Supplement, 1974; to provide severability; to repeal the original sections, and also sections 83-315, 83-317, 83-319, 83-320, 83-322, 83-322.01, 83-325 to 83-328.01, 83-328.03, 83-332 to 83-335, 83-341, and 83-343, Reissue Revised Statutes of Nebraska, 1943, and sections 83-323, 83-323.01, and 83-328.02, Revised Statutes Supplement, 1974; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 2:

Anderson
Hasebroock

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 806A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 806, Eighty-fourth Legislature, Second Session, 1976.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Barnett Bereuter Burbach Burrows Carsten
Cavanaugh Chambers Clark Cope DeCamp
Dickinson Duis Dworak Fitzgerald Fowler
George Goodrich Johnson Kelly Kennedy
Keyes Kime Koch Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Mills Moylan Murphy Nichol
Rasmussen Rumery Savage Schmit Simpson
Skarda Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 0.

Not voting, 2:

Anderson Hasebroock

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 1011.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 1011.

MOTION—Return LB 987 to Select File

Mr. Warner moved to return LB 987 to Select File for the following specific amendment:

Page 24, line 12, after the second "the" insert "individual who becomes a"

Mr. Warner asked unanimous consent to withdraw his motion. No objections. So ordered.

VISITORS

The President introduced 6 junior high school students and teacher from Falls City, Nebraska; Mr. & Mrs. Bob Long of North Platte, Nebraska; 8 junior and senior high students and teacher from Bern, Kansas; 44 fourth grade students and teacher from Norris School, Lancaster County.

RECESS

At 11:57 a.m., on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson and Hasebroock who were excused; and Mr. Warner who was excused until he arrives.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 313, 434, 464, 691, 871, 871A, 779, 794, 794A, 806, and 806A.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 313, 434, 464, 691, 871, 871A, 779, 794, 794A, 806, and 806A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 984. With Emergency.

A BILL FOR AN ACT relating to appropriations; to provide authorizations; to make appropriations for capital construction, planning, repair, renovation, and demolition; to reaffirm previous appropriations; to authorize the acceptance of gifts; to provide duties; to provide severability; to repeal sections 53 and 54, Legislative Bill 6, Eighty-fourth Legislature, First Special Session, 1975; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Clark	Cope	Dickinson	Dworak
Fitzgerald	Fowler	Goodrich	Kelly	Keyes
Kime	Koch	Kremer	F. Lewis	Luedtke
Mahoney	Marsh	Marvel	Mills	Moylan
Rasmussen	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Wiltse

Voting in the negative, 4:

DeCamp	Duis	Maresh	Rumery

Not voting, 10:

Anderson	Chambers	George	Hasebroock	Johnson
Kennedy	R. Lewis	Murphy	Nichol	Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 826. With Emergency.

A BILL FOR AN ACT to amend section 66-468, Revised Statutes Supplement, 1974, relating to the Agricultural Products Industrial Utilization Committee; to rename the committee; to provide duties of the committee relating to coal research; to create a cash fund; to prescribe its name, purpose, and for funding; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Bereuter	Burbach	Burrows	Carsten	Cavanaugh
Clark	Cope	DeCamp	Dickinson	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Kelly	Kennedy	Keyes	Koch	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Mills	Moylan	Murphy
Rasmussen	Rumery	Savage	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Wiltse

Voting in the negative, 0.

Not voting, 9:

Anderson	Barnett	Chambers	Hasebroock	Johnson
Kime	Nichol	Schmit	Warner	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 826A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 826, Eighty-fourth Legislature, Second Session, 1976.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Barnett Bereuter Burbach Burrows Carsten
Cavanaugh Clark Cope DeCamp Dickinson
Duis Dworak Fitzgerald Fowler George
Goodrich Kelly Kennedy Keyes Koch
Kremer F. Lewis R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Mills Moylan
Murphy Nichol Rasmussen Rumery Savage
Schmit Simpson Skarda Stoney Stull
Swigart Syas Wiltse

Voting in the negative, 0.

Not voting, 6:

Anderson Chambers Hasebroock Johnson Kime
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 863.

A BILL FOR AN ACT to amend section 66-605, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410 and 66-428, Revised Statutes Supplement, 1974, relating to motor vehicle and special fuel taxes; to increase the rate of tax as prescribed; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Bereuter Burrows Carsten Cope DeCamp
Dworak Fitzgerald George Kelly Kennedy
Koch Kremer R. Lewis Luedtke Maresh
Marsh Mills Moylan Nichol Rasmussen
Savage Schmit Simpson Skarda Swigart
Wiltse

Voting in the negative, 17:

Barnett Burbach Cavanaugh Clark Dickinson
Duis Fowler Goodrich Keyes F. Lewis

Mahoney Marvel Murphy Rumery Stoney
Stull Syas

Not voting, 6:

Anderson Chambers Hasebroock Johnson Kime
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 905.

A BILL FOR AN ACT relating to the Department of Economic Development; to provide for a population study of American Indians in Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Barnett Bereuter Burbach Burrows Carsten
Cavanaugh Chambers Fowler Goodrich Keyes
Koch F. Lewis R. Lewis Luedtke Maresh
Marsh Mills Moylan Nichol Savage
Schmit Simpson Skarda Stoney Stull
Swigart Wiltse

Voting in the negative, 15:

Clark Cope Dickinson Duis Dworak
Fitzgerald George Kelly Kennedy Kime
Kremer Marvel Murphy Rasmussen Rumery

Not voting, 7:

Anderson DeCamp Hasebroock Johnson Mahoney
Syas Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 917. Mr. Chambers moved to return LB 917 to Select File for the following specific amendment:
Strike the enacting clause.

The motion lost with 2 ayes, 34 nays and 13 not voting.

LEGISLATIVE BILL 917. With Emergency.

A BILL FOR AN ACT to adopt the Professional Liability Insurance Availability Act; to provide for severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Barnett
Bereuter
Burbach
Carsten
Cavanaugh
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner

Voting in the negative, 2:

Burrows
Chambers

Not voting, 3:

Anderson
Hasebroock
Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 926. With Emergency.

A BILL FOR AN ACT relating to child support; to amend sections 42-821 and 43-512.01, Reissue Revised Statutes of Nebraska, 1943, and section 42-358, Revised Statutes Supplement, 1975; to provide detailed procedures for the collection of child support payments; to provide for the determination of paternity; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Johnson	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Mills	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Simpson	Skarda
Stoney	Stull	Swigart	Syas	Warner
Wiltse				

Voting in the negative, 1:

Chambers

Not voting, 2:

Anderson Hasebroock

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 986. With Emergency.

A BILL FOR AN ACT relating to public buildings; to amend section 81-1216, Reissue Revised Statutes of Nebraska, 1943, and sections 72-1119, 72-1120, 81-502, 81-1108.17, 81-1108.18, 81-1108.21, and 81-1108.41, Revised Statutes Supplement, 1974; to harmonize provisions; to change committee membership; to provide the applicability of rules and regulations; to provide for donations and the use thereof; to provide parking regulations; to provide for allocation of space in the State Capitol; to require a program statement for any capital construction project; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Barnett	Bereuter	Burbach	Burrows	Carsten
Cavanaugh	Chambers	Clark	Cope	DeCamp
Dickinson	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Johnson	Kelly	Kennedy

Keyes Kime Koch Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Mills Moylan Murphy Nichol
Rasmussen Rumery Savage Schmit Simpson
Skarda Stoney Stull Swigart Syas
Warner Wiltse

Voting in the negative, 0.

Not voting, 2:

Anderson Hasebroock

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 989. With Emergency.

A BILL FOR AN ACT to make appropriations for the payment of miscellaneous claims against the state; to provide how payments shall be made; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Barnett Bereuter Burbach Burrows Carsten
Cavanaugh Clark Cope DeCamp Dickinson
Duis Dworak Fitzgerald Fowler George
Goodrich Johnson Kelly Kennedy Keyes
Kime Koch Kremer F. Lewis R. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Mills Moylan Murphy Nichol Rasmussen
Rumery Savage Schmit Simpson Skarda
Stoney Stull Swigart Syas Warner
Wiltse

Voting in the negative, 0.

Not voting, 3:

Anderson Chambers Hasebroock

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1006. Mr. Chambers moved to return LB 1006 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay and 23 not voting.

The motion to return LB 1006 lost with 11 ayes, 31 nays and 7 not voting.

LEGISLATIVE BILL 1006. With Emergency.

A BILL FOR AN ACT to provide for a downtown education center and office building in Omaha; to provide for funding; to provide duties; to amend section 72-1403, Reissue Revised Statutes of Nebraska, 1943, section 81-1108.15, Revised Statutes Supplement, 1974, section 77-2602, Revised Statutes Supplement, 1974, as amended by section 24, Legislative Bill 1004, Eighty-fourth Legislature, Second Session, 1976, and sections 21 and 32, Legislative Bill 1004, Eighty-fourth Legislature, Second Session, 1976; to repeal the original sections, and also sections 72-1413 to 72-1416, Revised Statutes Supplement, 1974; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 32:

Bereuter
Burbach
Carsten
Cavanaugh
Cope
DeCamp
Duis
Fitzgerald
George
Goodrich
Johnson
Kelly
Keyes
Kime
Koch
Kremer
F. Lewis
Luedtke
Mahoney
Marsh
Marvel
Mills
Moylan
Rasmussen
Rumery
Savage
Schmit
Skarda
Stoney
Swigart
Syas
Wiltse

Voting in the negative, 14:

Barnett
Burrows
Chambers
Clark
Dworak
Fowler
Kennedy
R. Lewis
Maresh
Murphy
Nichol
Simpson
Stull
Warner

Not voting, 3:

Anderson Dickinson Hasebroock

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Mr. Mahoney requested a roll call vote.

Voting in the affirmative, 31:

Bereuter Burbach Carsten Cavanaugh Cope
DeCamp Duis Fitzgerald George Goodrich
Johnson Kelly Keyes Koch Kremer
F. Lewis Luedtke Mahoney Marsh Marvel
Mills Moylan Rasmussen Rumery Savage
Schmit Skarda Stoney Swigart Syas
Wiltse

Voting in the negative, 14:

Barnett Burrows Chambers Clark Dworak
Fowler Kennedy R. Lewis Maresh Murphy
Nichol Simpson Stull Warner

Not voting, 4:

Anderson Dickinson Hasebroock Kime

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

EXPLANATION OF VOTE

Had I been present I would have voted aye on LB 826, LB 826A, and LB 934. I would have voted nay on LB 863 and LB 905.

(Signed) Jerome Warner

UNANIMOUS CONSENT—Withdraw LR 143

Mr. Maresh asked unanimous consent to withdraw LR 143. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 1976, at 1:50 p.m., were the following bills: 1011, 313, 434, 464, 691, 871, 871A, 779, 794, 794A, 806, and 806A.

(Signed) Barbara Jackson, Enrolling Clerk

REPORT OF EXECUTIVE BOARD

March 31, 1976

Mr. President:

The following action was taken by the Legislative Council Executive Board:

On a motion by Senator John Cavanaugh, seconded by Senator Wally Barnett, the Executive Board voted unanimously to approve Legislative Resolution No. 178.

(Signed) Eugene T. Mahoney, Chairman

SELECT COMMITTEE REPORTS

Education

LEGISLATIVE BILL 594. Indefinitely postponed.

(Signed) F. Lewis, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 872. Indefinitely postponed.

LEGISLATIVE BILL 931. Indefinitely postponed.

(Signed) Wally Barnett, Vice-Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 167. Read and Considered.

LR 167 was adopted with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE RESOLUTION 197. Read and Considered.

LR 197 was adopted with 27 ayes, 0 nays and 22 not voting.

MOTION—Reconsider Action on LR 110

Mr. Stoney renewed his pending motion found in the Journal on page 1403 for the Fifty-sixth Day to reconsider action on LR 110.

Mr. Stoney moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays and 35 not voting.

Mr. Stoney moved the Call be raised. The motion prevailed.

The motion to reconsider LR 110 prevailed with 27 ayes, 8 nays and 14 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 110. Read and Considered.

The Chair ruled any amendments out of order.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 13 nays and 24 not voting.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays and 18 not voting.

Mr. Burrows moved for a Call of the House. The motion prevailed with 20 ayes, 14 nays and 15 not voting.

Mr. Burrows requested a roll call vote.

Voting in the affirmative, 16:

Barnett Burrows Cavanaugh Chambers Fitzgerald
Fowler Kennedy F. Lewis R. Lewis Luedtke
Mahoney Marsh Mills Murphy Simpson
Syas

Voting in the negative, 22:

Burbach Carsten Clark Cope Dickinson
Duis Dworak Kelly Keyes Koch
Kremer Maresh Marvel Moylan Rasmussen
Rumery Schmit Skarda Stoney Stull
Warner Wiltse

Not voting, 11:

Anderson Bereuter DeCamp George Goodrich
Hasebroock Johnson Kime Nichol Savage
Swigart

LR 110 failed with 16 ayes, 22 nays and 11 not voting.

Mr. Duis moved the Call be raised. The motion prevailed.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 826, 826A, 863, 905, 917, 926, 984, 986, 989, and 1006.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 826, 826A, 863, 905, 917, 926, 984, 986, 989, and 1006.

UNANIMOUS CONSENT—Withdraw Motion

Mr. Chambers asked unanimous consent to withdraw his pending motion found in the Journal on page 1485 to disapprove appointment of Mr. Dineen as State Fire Marshal. No objections. So ordered.

MOTION—Confirm Appointments

Mr. Savage moved the appointments found in the Journal on pages 1067 and 1068 for the Forty-sixth Day of the following be confirmed: Mr. Leonard Schaefer, Mrs. Robert Matz and Mr. John Humpal.

Voting in the affirmative, 30:

Bereuter Burbach Carsten Cavanaugh Chambers
Cope Dickinson Duis Dworak Fowler
George Johnson Kennedy Keyes Kime
Koch R. Lewis Marsh Moylan Murphy
Nichol Rumery Savage Simpson Skarda
Stoney Swigart Syas Warner Wiltse

Voting in the negative, 0.

Not voting, 19:

Anderson
Barnett
Burrows
Clark
DeCamp
Fitzgerald
Goodrich
Hasebroock
Kelly
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marvel
Mills
Rasmussen
Schmit
Stull

The Chair declared the appointments confirmed.

Mr. Savage moved the appointments found in the Journal on pages 1273 and 1274 for the Fifty-third Day of the following be confirmed: Mrs. Marian Andersen; Mr. Richard Dugdale; Mr. J. R. McBride; Mr. J. Patrick Green; Mr. Dean Kratz; Mr. Wayne R. Winslow.

Voting in the affirmative, 32:

Barnett
Bereuter
Burbach
Carsten
Clark
Cope
DeCamp
Duis
Dworak
Fitzgerald
George
Goodrich
Johnson
Kennedy
Kime
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Mills
Moylan
Nichol
Rumery
Savage
Skarda
Stoney
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 17:

Anderson
Burrows
Cavanaugh
Chambers
Dickinson
Fowler
Hasebroock
Kelly
Keyes
Koch
Kremer
Mahoney
Murphy
Rasmussen
Schmit
Simpson
Stull

The Chair declared the appointments confirmed.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 1976, at 4:15 p.m., were the following bills: 984, 826, 826A, 863, 905, 917, 926, 989, 986, and 1006.

(Signed) Barbara Jackson, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 198.

Introduced by Maresh, 32nd District.

WHEREAS, the University of Nebraska Foundation, a corporation, has acquired real property in or near the City of Beatrice known as Pershing College and legally described as: The North Half of the North Half of the West Half of the Southeast Quarter of the Northeast Quarter; and the Northeast Quarter of the Northeast Quarter and the East Half of the Northwest Quarter of the Northeast Quarter and the East Half of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter; and the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of the Northwest Quarter of the Northeast Quarter, all in Section 6, Township 3 North, Range 6, East of the 6th P.M., Gage County, Nebraska; and

WHEREAS, the University of Nebraska Foundation has also acquired a substantial amount of tangible personal property used by Pershing College and now contained in the above described real property; and

WHEREAS, Southeast Technical Community College through its Board of Directors and a number of other organizations have expressed a desire to acquire the above described real and personal property.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature consents to any action that the University of Nebraska Foundation may take in conveying, transferring or disposing of the property known as Pershing College if the University of Nebraska will be benefited by such action to the utmost.

Mr. Maresh moved to suspend the rules (Rule 4, Sec. 5) to consider LR 198 today.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay and 22 not voting.

Mr. Maresh moved for a Call of the House. The motion prevailed with 16 ayes, 13 nays and 20 not voting.

Mr. Maresh requested a roll call vote.

Voting in the affirmative, 26:

Burbach Carsten Cavanaugh Cope DeCamp
Dickinson Dworak Fitzgerald George Kennedy

Koch Kremer R. Lewis Maresh Marsh
Mills Moylan Murphy Nichol Rumery
Simpson Stoney Stull Swigart Syas
Wiltse

Voting in the negative, 14:

Barnett Clark Duis Fowler Kelly
Keyes F. Lewis Luedtke Mahoney Marvel
Rasmussen Savage Skarda Warner

Not voting, 9:

Anderson Bereuter Burrows Chambers Goodrich
Hasebroock Johnson Kime . Schmit

The motion to suspend the rules lost with 26 ayes, 14 nays and 9 not voting.

LEGISLATIVE RESOLUTION 178. Read and Considered.

LR 178 was adopted with 27 ayes, 0 nays and 22 not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 167 and LR 197.

UNANIMOUS CONSENT–Member Excused

Mr. Bereuter asked unanimous consent to be excused at 4:20 p.m. No objections. So ordered.

UNANIMOUS CONSENT–Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LR 198 in the Journal. No objections. So ordered.

To amend LR 198 to read: Provided if a transaction is made to transfer the property to the Southeast Technical Community College that same shall be made only with the approval of a majority of those electors in the Southeast Technical Community College Area.

ADJOURNMENT

At 4:31 p.m., on a motion by Speaker Burbach, the Legislature adjourned until 9:30 a.m., Wednesday, April 7, 1976.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

SIXTIETH DAY—APRIL 7, 1976

SIXTIETH DAY—APRIL 7, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 7, 1976

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal Father, we ask Thy divine guidance, strength, and sense of purpose be given to the members of this Legislature. Although they have great diversity within themselves and the people they represent, may they not strive to be individualistic comets flashing across the sky, but stars which are united into a constellation which gives a pattern and unity in the midst of diversity. While amplifying their individual convictions, may they ever remember they are part of the team working together to win the game for the benefit of the people of this State. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

EXPLANATION OF VOTE CORRECTION

Page 1547 should read 984 rather than 934.

(Signed) Jerome Warner

Mr. Chambers asked unanimous consent to correct the Journal as follows:

TO CORRECT THE JOURNAL AT PAGE 1530 (MARCH 31, 1976)

Without the complete reading of a bill prior to a final vote, there can be no Constitutional enactment into law. Since a drone or mumble not consisting of intelligible words is not reading, LB 434 which was droned and mumbled through on March 31, 1976 was not read; hence the Constitution was not complied with; hence LB 434 was not legally passed by the Legislature, therefore, I move to correct the Journal at page 1530 by correcting the President's statement on LB 434 to read: "All provisions of law relative to procedure have NOT been complied with . . .".

Mrs. Marsh objected.

Mr. Chambers moved to correct the Journal with the above.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays and 17 not voting.

The Chambers motion lost with 3 ayes, 39 nays and 7 not voting.

The Journal for the Fifty-ninth Day was approved as corrected.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of April 1, 1976. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Huff, Charles P. - Lincoln, GreatWestern Sugar

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 178.

MOTION—Remaining Bills

Mr. Wiltse moved that all bills not otherwise disposed of, excluding LB 202 on Select File, bills on final reading and vetoed or line item vetoed bills on this date, be indefinitely postponed. Further, that the Chairman of each standing committee file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

Mr. Wiltse moved to suspend the rules (Rule 7, Sec. 3) to consider the motion today. The motion prevailed with 36 ayes, 1 nay and 12 not voting.

The Wiltse motion prevailed with 32 ayes, 8 nays and 9 not voting.

MOTION—Extend Session

Speaker Burbach moved that pursuant to Art. III, Sec. 10, of the Nebraska Constitution the Eighty-Fourth Legislature, Second Session, extend its session for two (2) days only, for the sole purpose of considering the repeal of Section 39-662.03, R.S. Supp. 1975, relating to speed limits.

Mr. Mahoney moved for a Call of the House. The motion prevailed with 32 ayes, 1 nay and 16 not voting.

The Call showed 49 members present.

Mr. Mahoney requested a roll call vote.

Voting in the affirmative, 41:

Anderson
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Clark
Cope
DeCamp
Dickinson
Duis
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Kennedy
Keyes
Kime
Koch
Kremer
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 5:

Barnett
Dworak
F. Lewis
R. Lewis
Nichol

Not voting, 3:

Chambers
Johnson
Kelly

The motion prevailed with 41 ayes, 5 nays and 3 not voting.

Mr. Mills moved the Call be raised. The motion prevailed.

MOTION—Reconsider Action

Mr. Stull moved to reconsider action on the Burbach motion to extend the session.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Mr. Stull asked unanimous consent to withdraw his motion to reconsider action. No objections. So ordered.

UNANIMOUS CONSENT–LB 202

Speaker Burbach asked unanimous consent to consider LB 202 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 202. Speaker Burbach offered the following amendment:

1. Strike sections 1 and 2 and amendments thereto and insert:

"Section 1. That section 39-662.03, Revised Statutes Supplement, 1975, is repealed.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to repeal section 39-662.03, Revised Statutes Supplement, 1975, relating to rules of the road; and to declare an emergency.".

The amendment was adopted with 43 ayes, 0 nays and 6 not voting.

Advanced to E & R for Engrossment.

MESSAGES FROM THE GOVERNOR

March 31, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 204, 265, 579, 764, 787, 809, 841, 883, 899, and 948.

These bills were signed by me on March 31, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw
(Received April 1, 1976)

March 31, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 464.

This bill was signed by me on March 31, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw
(Received April 1, 1976)

April 1, 1976

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I hereby return LB 863 without my signature and with my objections.

The attached copy of a letter unanimously agreed to by the Highway Advisory Commission adequately explains my primary reasons for vetoing this legislation.

To further tax Nebraska citizens to the tune of approximately $10,000,000 per year while ignoring a necessary accompanying amendment that could have eliminated millions of dollars in waste in building some state highways to more reasonable and less costly standards would be fiscally irresponsible.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw
(Received April 1, 1976)

Attachment

March 29, 1976

The Honorable J. James Exon
Governor of the State of Nebraska
Lincoln, Nebraska

Dear Governor Exon:

The State Highway Commission has been struggling very hard to ensure that the best possible use is made of Nebraska's highway revenues in maintaining and upgrading the State Highway System.

On February 27, the Commission officially went on record in support of a one cent increase in the State gasoline tax, provided that at the same time Nebraska Highway Law would be amended to permit certain highways to be improved to a more realistic standard. It is the position of the Commission that over-building of certain roads is a gross waste of scarce highway revenues as we struggle to improve our highways, particularly those remaining miles of lightly traveled gravel roads.

The Department of Roads has worked hard with other interested parties to attempt to arrive at agreed language to be included in LB 863, which would permit the adoption of reasonable standards for lightly traveled roads. However, in spite of the numerous commitments that were previously obtained from the interested parties to those agreements, LB 863 as it presently stands at 9:00 A.M. on Monday, March 29, 1976, does not contain that language.

It is therefore apparent that the parties interested in increasing the gasoline tax have shown only a willingness to spend more dollars, without at the same time agreeing to the adoption of reasonable standards which would ensure that that same tax increase would not be largly(sic) wasted on unnecessarily expensive over-construction of certain roads.

Therefore, the Highway Commission, not withstanding the dire need for the one cent gas tax increase, respectfully urges that you veto LB 863 if it reaches your desk without the specific corrective amendment recommended by the State Highway Commission on February 27.

Sincerely,
(Signed) Joe Lipton, Chairman

cc All Commissioners (7)

April 2, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 852 and 920.
These bills were signed by me on April 2, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

April 2, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 313.
This bill was signed by me on April 2, 1976 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw
(Received April 5, 1976)

April 5, 1976

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

Re: Governor's Message to Legislature on Vetoes
and Line Item Vetoes

I am returning to you without my signature and with my objections Legislative Bills Nos. 687, 687A, 826, 826A, 1011, 761, 761A, 1007, 454, 454A, 794, and 794A.

I am also returning with my line item reductions Legislative Bills Nos. 984, 691, 690, and 972.

The total reductions from your authorized spending level is a record veto decrease of $30,002,117. Should you not heed my vetoes, you will force an increase in state taxes certainly for next year and possibly an immediate increase in the sales tax when the State Board of Equalization meets within 15 days after adjournment, as directed by the Legislature in the last session.

On the other hand, should you sustain my carefully considered reductions, which I appeal to you to do, we can anticipate a 2% reduction from 15% to 13% of Federal liability next calendar year, and holding the line at 2 1/2% on sales, if the economy and anticipated revenues hold.

Some in very high and influential places have shuddered at the Governor's concept that we should reduce taxes. A few seem to consider such action revolutionary and un-American. By recent contemporary thought and action, that may be true. Those with that line of thought seem to reject that Nebraska can reduce taxes and thereby return more to the people for their individual decisions on spending rather than to take it from them on the theory that "Government knows best," and that reasonable restraint in state spending shows a lack of "progress."

A look at the record destroys any concept that this administration has not supported appropriations to meet the legitimate and most pressing need.

Because of an on-going variety of "built-in" expenditures in each year's budget, many of them passed over the Governor's vetoes, we are reaching, even by my recommendations, a record of $439 million from the general fund for the next fiscal year. That represents an additional $64 million over this year for a 17% increase, even though we can do this while reducing taxes.

Compared with that figure, the Legislature has authorized $94 million more, for a 25% increase in one year.

The question must come, where is it all going to end? I repeat again that I firmly believe this session has been one where the majority and coalitions within your body have failed to exercise restraint in appropriations and have failed to recognize any limit in total dollars expended or the effect of your actions on the taxpayers.

In some instances, I have been able to increase my previous recommendations in an attempt at compromise with the Legislature, while still providing the opportunity for a tax reduction. This has been essentially possible because, subsequent to my budget message, the Legislature has reduced the required minimum reserve from 5% to 3%.

You will find attached a detailed breakdown on the individual bills and the amounts reduced, increased, or eliminated from what I view as your excessive proposals.

I request that you sustain all of my recommendations for the reasons stated above and as outlined in my individual letters of veto.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw
(Received April 5, 1976 at 5:10 p.m.)

Attachment

GOVERNOR'S RECOMMENDATIONS
(After Vetoes)

	75-76 Approp.	76-77 Original Gov. Rec.	% Change	76-77 Final Gov. Rec.	% Change
51 University of Nebraska	76,888,824	84,150,589	9.4	87,619,850	14.0
13 Education	70,170,230	72,567,224	3.4	73,373,695	4.6
26 Welfare	42,086,490	44,658,317	6.1	45,021,867	7.0
83 Tech Colleges	11,612,000	13,422,934	15.6	12,000,000	3.3
49/50 State Colleges & Bd. of Trustees	12,228,760	13,544,198	10.8	13,950,961	14.1
05 Supreme Court	4,385,780	4,819,357	10.0	4,945,704	12.8
33 Game and Parks	3,373,240	4,035,283	19.6	4,032,346	19.5
64 State Patrol	9,020,863	10,074,786	11.7	10,158,971	12.6
20 Health Department	1,869,608	2,102,152	12.4	2,218,393	18.7
31 Military Department	1,572,199	1,546,635	(1.6)	1,559,958	(0.8)
09 Secretary of State	347,745	450,897	29.7	457,421	31.5
67 Equal Opportunity Commission	236,577	276,708	17.0	285,996	20.9
69 Arts Council	172,517	215,959	25.2	219,396	27.2
12 State Treasurer	109,462	106,280	(2.9)	111,680	2.0
52 Bd. of Agriculture	69,033	69,568	0.8	70,776	2.5
90 Bicentennial Commission	32,844	39,984	21.7	48,890	48.9
State Patrol Drug Fund	100,000	100,000		100,000	
Veterans Aid Fund	1,000,000			1,000,000	
Const. Off. and Senator Salaries	2,457,606	2,480,657		2,474,139	
All Other Operations	95,324,356	110,217,193		111,969,143	
Total	333,058,134	364,878,721	9.6	371,619,186	11.6
Personal Property Tax Relief	26,535,000	40,000,000		40,000,000	
Governmental Subdivisions	12,600,000	12,600,000		12,600,000	
All Other Spending Measures	3,642,260	9,653,640		15,725,052	
Grand Total	375,835,394	427,132,361	13.7	439,944,238*	17.0

*Grand total reflects vetoes totaling $30,002,117 in various areas of operations, aid and capital construction.

April 5, 1976

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning LB 690 with my signature but with specific line-item exceptions as noted.

My original recommendation for the Office of the Secretary of the Board of Trustees was $98,574. Following the veto, the General Fund figures will be $98,507. My original recommendation provided for an 11% increase over FY 75-76, primarily to allow for additional rent payments for space in the new state office building, and additional funds for projects on management information systems and upgrading of the accounting systems of the State Colleges. The decision has been made recently to have the Office of the Secretary remain in the Capitol Building.

My line-item reduction simply reduces the appropriation to the Office of the Secretary to my original recommendation minus the additional rent monies and adjusts for the Legislature's salary policy.

My original recommendation for the State Colleges provided for an increase of 10.7% in General Fund over FY 75-76. Following my line item reductions, the State Colleges will obtain $13,852,454 of State General Fund as opposed to the $13,445,624 I originally recommended. This represents an increase of 14.1% over FY 75-76. Included in the $13.8 million is the Legislature's salary policy, the new and expanded program request of the Board of Trustees, 2% unbudgeted monies in the instructional programs at the Colleges and funds to allow the Board of Trustees to obtain additional space for classroom, instruction related, or programmatic activities at Peru.

My reductions allow for the addition of approximately 11 new full-time staff for the state colleges. However, the major portion of my reduction is for the additional 40 staff requested by the State Colleges. At a time of stable enrollments, an increase in total of over 51 staff at the State Colleges would be irresponsible. The $13.8 million in General Fund monies will fully fund the continuation base of the State Colleges and allow for needed new programs.

For the University of Nebraska, I have increased my original budget recommendation from $84.1 million to $87.6 million of General Fund dollars. The major additions in this $3.5 million increase are $400,000 for improvements at the Institute of Agriculture, $300,000 for improvement of instruction at UNL, $100,000 of improvements at UNO, $1.7 million for replacement of federal funds at the Medical Center, $1.0 million at all campuses to fund the 7% salary policy of the Legislature.

The University budget I am recommending herewith is a 13.8% increase over the current year. This is a larger percentage increase than the Legislatures in Colorado, Kansas, and Missouri will be giving their Big Eight Universities, and approximately the same as Iowa. I believe this is a more realistic figure than the 23% increase proposed by your body.

I have reduced from your proposed budget $6.8 million of General Fund, most of which would have gone for continued University expansion, and which would require more and more General Fund monies in the years ahead. Much of this expansion is ill-advised at a time when enrollments are stable or declining. However, I have not further reduced the amounts for plant operations or administration from the figures already established by the action of your body.

If you accept the vetoes I am offering, the General Fund percentage increase over the current year will be approximately 10.3% at UNL, 10% at UNO, and 25.1% at the Medical Center.

I am pleased, however, that you have moved toward accepting two of my recommendations in the University budget. Faculty salary increases will, in 1976-77, be granted on performance, not according to a formula which rewarded excellence and mediocrity alike. You have also granted more flexibility to the Board of Regents, and I will look forward to the time when you provide even more flexibility to the Regents to focus University management responsibility where it belongs. I believe there has been some progress made toward that end this year.

Last year, I chose not to exercise my line-item veto authority on the $11,600,000 State aid appropriation for the Technical Community College Areas in order to ensure that the Area Boards had the necessary tools to deal with the cash flow problems resulting from the Supreme Court's decision on property tax support and the passage of LB 344. My original recommendation for fiscal 1976-77 included a State aid recommendation of $13,422,934 coupled with a reduction of 1/2 mill in the mill levy ceiling for operations. My original recommendation would have provided a two-year increase in total State and local tax support of approximately 34% or an average of roughly 17% per year.

The appropriation of $13,000,000 to the Technical Community Colleges for fiscal 1976-77 would provide a maximum two-year increase of approximately 51% in total State and local tax support or approximately 25% per year for the two-year period. My line item reduction will allow a $12,000,000 appropriation for State Aid for the Technical Community Colleges. It represents a maximum two-year increase of approximately 44% in total State and local tax support for the Technical Community Colleges or approximately 22% per year for fiscal year 1975-76 and fiscal year 1976-77.

If the Area Boards exercise fiscal responsibility, the increases may be less than the maximum two-year figure of 44% and closer to my original recommendation of approximately 34%. Following my reductions, the Technical Community Colleges have ample resources to meet the needs of Nebraska generally and their students particularly.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw
(Received April 5, 1976 at 5:10 p.m.)

April 5, 1976

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I hereby return LB 972 with my signature, but with line-item reductions as outlined.

I have disapproved only two items in LB 972. One of these is the replacement of $906,688 of federal special projects funds at the Medical Center. I am recommending the replacement amount of $406,688 for the current fiscal year and no replacement funds in 1976-77. These funds are awarded by the Public Health Service on a competitive basis and not on a formula basis. Congress has not cut the appropriation of special project funds and the Medical Center is eligible to receive a greater share of these funds if it makes competitive proposals to the federal government.

The other item I have not approved is the raising of the cash fund ceiling by $773,000 at the Lincoln Campus. The rationale for the University's request was that this amount must be expended during the current year in order that a like amount may be saved in some future year. Our projection of expenditures based on three-fourths of the year already gone by show that the Lincoln campus does not need the increase in this fiscal year and that it should carry the excess funds over into 1976-77.

Yours truly,

(Signed) J. James Exon
Governor

JJE:ah2
(Received April 5, 1976 at 5:10 p.m.)

April 5, 1976

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning LB 1007 without my signature and with my objections.

LB 1007 would fund the proposed Health, Physical Education, and Recreation Building at UNO. I have stated previously that the construction of this building is necessary when it can be fit in with overall budget considerations. Possibly this can be accomplished next year.

I would not object to the construction of the HPER Building if the funding could be accomodated within the fiscal plan I have set forth. It is my judgement, however, that other operational and capital construction demands must be funded first.

Furthermore, we should not proceed on the assumption that each campus must have a new building each and every year. Our record at UNO is already a good one, both in terms of operational support and capital construction.

One of our prime problems as we address each year the total appropriations for the University system is that all too many expect all things at once. The taxpayers just cannot afford the unreasonable demands by University officials for millions for everything.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw
(Received April 5, 1976 at 5:10 p.m.)

April 5, 1976

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 454 without my signature and with my objections.

LB 454 amends the state law which establishes eligibility for assistance to disabled individuals by striking the requirement that the disability "be expected to be permanent" and requiring, instead, that the disability "be expected to have a duration of not less than one hundred eighty days from the date of onset."

In so doing, LB 454 inaugurates a wholly state-financed program of financial assistance and a wholly state-county financed system of medical benefits for individuals who because of "medically determinable physical or mental impairment" cannot work for between six months and one year.

This program of additional assistance to the temporarily disabled is worthy of serious consideration. However, the implications for future sizeable costs are significant and potentially much more than the initial $1.5 million appropriation. This fact cannot be ignored.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw
(Received April 5, 1976 at 5:10 p.m.)

April 5, 1976

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 454A without my signature and with my objections.

LB 454A appropriates approximately $1.5 million for a new welfare assistance program for the temporarily disabled and is hereby vetoed for the reasons contained in my message on LB 454.

Yours truly,
(Signed) J. James Exon
Governor

JJE:ah2
(Received April 5, 1976 at 5:10 p.m.)

April 6, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 779, 806, 806A, 867, 867A, 871, 871A, 905, 926, 986, 989, and 1006, and Reengrossed Legislative Bill No. 917.

These bills were signed by me on April 6, 1976 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

April 5, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills No. 1008 and 1010.

These bills were signed by me on April 5, 1976 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do

April 6, 1976

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I hereby return LB 687 without my signature and with my objections.

LB 687 would establish an official position of "Deputy Public Counsel for Corrections" under the office of the Ombudsman. This legislation would appear to give special status to an Ombudsman specifically directed to the Department of Correctional Services.

The present Ombudsman has done an outstanding job of responding to citizen complaints and resolving those particular problems. In addition, the Ombudsman has responded promptly and effectively to legislative requests for investigation and information.

When such investigations and searches for information are directed towards the Department of Corrections, the Ombudsman has received nothing but the utmost cooperation from the Corrections' officials. This cooperation, I assure you, will continue.

At best, LB 687 is unnecessary legislation. Any legitimate inquiry, investigation or information search into the Department of Corrections can be completely and satisfactorily handled through the existing Ombudsman's office.

At worst, LB 687 is an attempt by the Legislature to establish a legislative officer to oversee the operations of an administrative agency of state government. The job of the legislative branch is not to administer the ongoing operations of state government. That is the responsibility of the executive branch.

Yours truly,
(Signed) J. James Exon
Governor

JJE:ah2

April 6, 1976

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I hereby return LB 687A without my signature and with my objections.

LB 687A appropriates $17,902 for the funding of LB 687. As I stated in my veto message of LB 687, this expenditure is unneeded, unwarranted and simply unnecessary.

Yours truly,
(Signed) J. James Exon
Governor

JJE:ah2

April 6, 1976

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith LB 691, with my signature and my specific line item vetoes.

In total, my reductions in this bill are $15,917,236, and are detailed below.

Supreme Court, Agency 05 -- I have reduced the Supreme Court's budget by $125,279 to a level comparable to my original recommendation but allowing additional funds for the salary policy adopted by your body.

Secretary of State, Agency 09 -- I have reduced the appropriation to the Secretary of State by $15,200 from the General Fund. The reductions include: $3,600 for expenses of the Association of Secretaries of State; $1,500 for hospitality expenses; $700 for a mobile phone; and $9,400 for retention of a CETA position. After these reductions, the appropriation still exceeds my original recommendation.

State Treasurer, Agency 12 -- I have reduced the budget of the State Treasurer by $6,200 to bring the budget back to a level more comparable to my original recommendation yet allowing additional funding for salaries and temporary help.

Department of Education, Agency 13 -- I have reduced by $15,099,962 the recommended appropriation for the State Department of Education. This reduction includes a proposed $15,000,000 increase in State aid, funding for additional staff, and General Fund support for teacher certification. The remaining total, a $1,794,162 increase over my original recommendation, includes $1,058,925 for vocational rehabilitation and $159,016 for fire service trainees. Neither of these programs were included in my original recommendation for the Department, but were provided for in other state agencies. Also, the three state schools will be provided a 30% increase in general fund support as a result of LB 691. Since this increase will benefit local education agencies, I have chosen not to make reductions in this area.

With regard to the $15,000,000 in so-called state aid, I cite my statement to you in the budget address of this year. Your approval of this measure over my veto will certainly mandate increases in taxes. Please note that while the Legislature is using this vehicle as a sales pitch to "give the taxpayer a break" to the tune of $15,000,000, you would simultaneously be extracting from him with this and your other approved appropriations approximately $50,000,000 in increased state taxes. This in no way is a good deal for the taxpayer and must be recognized as such.

Department of Health, Agency 20 -- I have reduced the Department of Health's 1976-77 General Fund appropriation authority by $33,673. This will allow the Department a 17.7% General Fund increase over the 1975-76 appropriation contained in LB 6. The resulting General Fund appropriation is still $97,686 above my original recommendation; included in this amount is funding for the Legislature's salary policy and the $25,000 earmarked for cystic fibrosis research and counseling.

Department of Public Welfare, Agency 26 -- I have reduced the General Fund appropriation to the Department of Public Welfare by $200,000. The appropriation to Program Number 347--Public Assistance was reduced by $100,000. This reduced appropriation remains $379,000 higher than my original recommendation and allows for additional flexibility in meeting the uncertain requirements of the new federally required Nursing Home payment system. Also, Program Number 424--Nebraska Center for

Children and Youth is reduced by $100,000 from the General Fund to a level comparable to my original recommendation yet recognizing the salary policy you have adopted.

Military Department, Agency 31 -- I have reduced the Military Department's General Fund appropriation by $220,000. The Governor's Emergency Fund was reduced by $200,000 to a total of $300,000, a figure found in my original recommendation. The Civil Defense program was reduced by $20,000 which still allows an eighteen percent increase over their FY 1976 appropriation.

Game and Parks Commission, Agency 33 -- I have reduced the Game and Parks Commission's administrative program by $100,000 from the General Fund. To preclude any funding deficiencies for the Commission, $100,000 in Cash Funds has been made available by eliminating the requirement that those funds be used only for the hiring of five regional managers. Authority has been made available for the filling of those positions for the past two years, but the Commission has chosen not to do so.

Board of Agriculture, Agency 52 -- I have reduced the budget for the State Fair Board by $3,600 to bring it to a level comparable to my original recommendation but allowing funding for the salary policy you have adopted.

State Patrol, Agency 64 -- I have reduced the General Fund from the Nebraska State Patrol's operating budget by a total of $68,820. This money was intended to be used as a clothing expense and cleaning allowance for Patrol personnel. Those funds were not included in my original recommendation, and LB 849, which would have allowed those expenditures, has been left on General File.

Equal Opportunity Commission, Agency 67 -- The 1976-77 appropriations authority for the Equal Opportunity Commission has been reduced by $13,392 which represented funding for one new full-time equivalent position. The remaining appropriations authority will provide for full funding of the Legislature's salary policy as well as replacing expired federal funding for three other full-time positions. This appropriation level is a 21% increase over that authorized for 1975-76.

Nebraska Arts Coucil, Agency 69 -- I have reduced by $25,000 in program aid the recommended appropriation for the Nebraska Arts Council; the agency, however, will still receive a 27% increase in general fund support over the current fiscal year.

Bicentennial Commission, Agency 90 -- My original recommendation provided for financing the operation of the Bicentennial Commission for eight months of FY 76/77. Since my recommendations were made, the Commission has become involved in planning a number of additional activities for the fall of 1976. Therefore, my line item reduction of $6,110 which provides for an increase in General Fund support of approximately 44% over FY 75/76, allows the Commission to operate for nine months in FY 76/77. The difference between my original recommendation and the appropriation remaining after my line item reductions is the additional one month's operation and the Legislature's salary policy.

I urge your sustaining my vetoes as outlined.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

April 6, 1976

Mr. President, Mr. Speaker &
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

I am returning LB 761 without my signature and with my objections.

LB 761 makes several small changes to existing special education legislation to which I have no objection. One portion of this bill, however, represents a major and substantial change in both philosophy and funding. This bill, if allowed to become law, would shift the responsibility for initial diagnosis of children in special education programs from the local school district to the state.

The special education legislation your body passed and I signed in 1973 left the responsibility for initial diagnosis with the school district. The major reason for this was that if the state began to pay for all diagnosis, there would be a very real danger of over-classification of children, since the children would have to be categorized as handicapped in order to receive state reimbursement. No state should ever give its local school districts financial incentives to classify children as handicapped. These decisions should be left to the local school without federal or state strings attached to the outcome of the diagnosis.

The amount of funding provided in LB 761A could be a minimum amount if the state began to pay for initial diagnoses. Local funding of this service will provide more effective cost control than the state can provide. Some financial effort for special education programs should be left at the local level.

I urge your rejection of LB 761.

Sincerely,
(Signed) J. James Exon
Governor

JJE:gd

April 6, 1976

Mr. President, Mr. Speaker &
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President & Senators:

I am returning LB 761A without my signature and with my objections.

LB 761A appropriates $996,175 for special education evaluations financed at the state level. I urge you to uphold my veto of LB 761A for the reasons outlined in my message on LB 761.

Sincerely,
(Signed) J. James Exon
Governor

JJE:gd

April 6, 1976

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 794 without my signature and with my objections.

LB 794 extends the responsibility of the State of Nebraska for those employees who have been transferred, by legislative action, from state control to control of a mental health region or a community mental health center under a political subdivision of the State of Nebraska. In addition to the retirement benefits extended to these employees by LB 189, passed by the Eighty-Fourth Legislature, First Session, LB 794 would require the State to provide funds for the costs of sick leave and annual leave benefits for time accrued in excess of that allowed by the subdivisions to its other employees.

Since this legislation would affect only those employees who might be transferred after its effective date, it has the impact of discriminating against those employees who have been transferred in the past from state control to control of political subdivisions. Additionally, the provisions of this legislation would require the State to provide funds for this excess accrued leave for up to five years. This would allow continued discrimination among employees within the subdivision, as employees transferred from state control would be treated differently than those who were never under state control. A substantial personnel management problem would thus be created for those political subdivisions affected.

Yours truly,
(Signed) J. James Exon
Governor

JJE:ah2

April 6, 1976

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 794A without my signature and with my objections.

LB 794A provides $61,860 to carry out the provisions of LB 794. I am vetoing this appropriation for reasons outlined in my message on LB 794.

Yours truly,
(Signed) J. James Exon
Governor

JJE:ah2

April 6, 1976

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith without my signature and with my objections LB 826.

Legislative Bill 826 and its accompanying funding measure LB 826A in the amount of $10,000 would expand and change the previous direction of the Agriculture Use Products Industrial Utilization Committee which has accomplished a great deal with Nebraska's Gasohol research program.

The committee was created and appointed with no consideration as to its expertise in coal research.

The $10,000 appropriation is obviously a foot in the door approach to further extensive general fund expenditures if we are to be successful in this far-ranging field of research in the use of coal.

I question whether Nebraska state government can or should take on such a project by itself. If we subsequently decide such an adventure is appropriate, it should properly be handled directly through the University of Nebraska total research facilities.

If such research is needed, it would more properly be funded through the extensive Federal resources of the Old West Regional Commission which has such funds available. We also must first determine what similar and perhaps duplicating research has already been undertaken or planned elsewhere.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

April 6, 1976

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith without my signature and with my objections LB 826A.

LB 826A is the funding measure of $10,000 which accompanies LB 826.

My reason for objections here are well explained in my message regarding the veto of LB 826.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:fw

April 6, 1976

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith LB 984 with my line-item reductions.

I have stricken $10,000 for a study to determine present and future land uses and land-use regulations and ownership patterns around federal airports in Nebraska. This is a bill designed to solve only one particular problem of local concern which should be addressed without state study money.

I have also struck $25,000 designed to "develop a program statement and preliminary plans for a facility to provide cardiovascular treatment, research, and education." Too many times start-up money such as this $25,000 has developed into a multi-million dollar project. Since we have already incurred a future construction commitment of more than $100 million, it is time to use restraint and to say no!! Cost estimates for this facility have ranged to $15 million. All of this for a facility not even on the construction request of the Board of Regents.

The last item affected by my veto is a reduction in the project cost of the swine and beef facility at Curtis. I have reduced your appropriation of $145,000 to my original recommendation of $75,000. This $75,000 will build a most adequate facility.

I respectfully request your concurrence in these line-item reductions.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:ah2

April 6, 1976

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith without my signature and with my objections LB 1011.

My feelings are, as pointedly confirmed by the Attorney General's opinion, copy attached, this measure is patently unconstitutional and also unenforceable because of contrary and preceding law passed by your body.

I well recognize the difficulties faced unfortunately by the Board of Trustees and the administration of Peru College.

However, this $450,000 appropriation is a legislative attempt to thwart the Constitution and the law, and is an unconscionable act.

We believe that the Board may have sufficient leeway in their overall budget as approved to lease limited space in some dormitories.

The key question here is not just the future of the one Peru facility financed by "revenue bonds" and specifically issued on the pretense of no tax dollars being employed ever or the credit of the state being pledged, directly or indirectly, but rather whether this measure is not the stalking horse for possible and probable later legislative action of piecemeal or perhaps wholesale nature by saddling the taxpayers of this state with multi-millions of so-called "revenue bonds."

In the areas of higher education dormitories and related facilities, there is currently approximately $45 million outstanding, considering such non-tax supported or pledged obligations of the state colleges and the University.

Indeed, the Legislature knowingly proceeded without hardly a blink of the eye when they were informed that this action would lead to similar other requests in the future.

In legislative debate on March 15, 1976, Senator Stull, the prinicpal (sic) sponsor and floor leader of LB 1011, in responding to a question from Senator Cavanaugh, conceded that his measure might well be considered the forerunner of subsequent similar legislative action.

The Legislature might will be interested in a thorough review of this whole "revenue bond" area. We must not find ourselves in a position of asking the taxpayer to bail out the individual private bond holders who knew full well the risk they were exposed to when they voluntarily purchased the "revenue bonds."

Members of the Legislature have been opposed to the bail out of private New York City bondholders. It is inconsistent and certainly unconstitutional to approve the same with regard to private bond holders in Nebraska.

Your very truly,

(Signed) J. James Exon
Governor

JJE:fw
Attachment

ATTORNEY GENERAL'S LETTER

April 5, 1976

The Honorable J. James Exon
Governor
Capitol Building
Lincoln, Nebraska

Dear Governor Exon:

You request our advice on L.B. 1011 which was passed by the Legislature and is now in your hands for approval or disapproval. You ask if L.B. 1011 violates the provisions of Article XIII, Section 1, Constitution of Nebraska or Nebraska Revised Statutes section 85-403.

L.B. 1011 is quite simple. It authorizes the Board of Trustees of the Nebraska State Colleges to acquire Majors Hall, a dormitory, on the Peru State College Campus free and clear of all encumbrances. The bill then appropriates $450,000.00 for this purpose. There is no indication in the bill nor reference to section 85-403, R.R.S. 1943, nor any reference to Section 1, Article 13, Constitution of Nebraska.

Since 1955, there have been a series of revenue bonds issued for the purpose of providing dormitory facilities at Peru State College. The authority for the issuance of such revenue bonds is generally found in Chapter 85, Article 4 of the Nebraska Statutes. In 1955 L.B. 138 was enacted which gave general authority to the state colleges to issue revenue bonds for the purpose of furnishing dormitories which law gave expanded authority and was supplemental to some existing provisions. Laws 1955, c. 352, Sec. 1, p. 1075. Section 1 of that act which is the forerunner to present section 85-403 indicated that the purpose of the law was to authorize the issuance of revenue bonds "and pay the cost thereof, . . . by issuing revenue bonds payable solely out of their revenue other than funds derived from taxation; . . ." This was emphasized as a part of the same section by the following language:

> "Bonds issued under the provisions of sections 85-403 to 85-411 are not an obligation of the State of Nebraska, and no tax shall ever be levied to raise funds for the payment thereof or interest thereon. The bonds shall not constitute a debt of the board issuing the same, and shall be paid solely out of money derived from their revenue and earning as provided in sections 85-403 to 85-411. . . ."

Bonds were issued under the provisions of these sections, and as subsequent bond issues were made it apparently has been the practice to pledge the revenues of all like buildings for the payment of the later revenue bonds. Thus, as additional dormitories were built and financed by this method of financing, the revenues from the older dormitories were also pledged for the purpose of paying off the debt. We note that this section of the statute has not been amended nor eliminated from the law. L.B. 1011 in no way purports to amend section 85-403, though it attempts to authorize the expenditure of different funds not contemplated by section 85-403.

In 1968 the case of State ex rel. Meyer v. Steen, 183 Neb. 297, 160 N.W.2d 164, and the companion case of State ex rel. Meyer v. Duxbury, 183 Neb. 302, 160 N.W.2d 88, were decided. These cases cast a doubt as to the validity of the law which authorized the issuance of revenue bonds for the financing of dormitories. Apparently because of this, the 1969 Legislature proposed a constitutional amendment to Section 1 of Article XIII to specifically authorize the issuance of revenue bonds for this purpose and to validate revenue bonds previously issued by the state colleges and other. See L.B. 810, Laws 1969, c. 428, p. 1448. The ballot title to this particular constitutional amendment authorized the Board of Trustees of the State Colleges, and other boards, to issue revenue bonds for this purpose "payable solely from revenues, fees and other payments derived thereform." (sic) This amendment was adopted in 1970. Thus, there was written into the Constitution a restriction of the Legislature which restriction had theretofore been placed upon the various boards authorized to issue such revenue bonds by statute. We will assume that the revenue bonds issued under these provisions are valid, though the holding of the court in State ex rel. Rogers v. Swanson, 192 Neb. 125, that an act of the Legislature which is forbidden by the Constitution at the time of its passage is absolutely null and void, and is not validated by a subsequent amendment to the Constitution authorizing it to pass such an act, could cast some doubt on the validity of such. The 1970 constitutional amendment then incorporated the statutory restriction into the Constitution as an inhibition against the Legislature in the following language:

> "Which bonds shall be payable solely out of the revenue fees and other payments derived from the use of the buildings and facilities constructed or acquired including buildings and facilities heretofore or hereafter constructed or acquired and paid for out of the proceeds of other issues of revenue bonds and the revenue fees and payments so pledged need not be appropriated by the Legislature, . . ."

In State ex rel. Rogers v. Swanson, supra, our court said that the Legislature cannot circumvent an express provision of the Constitution by doing indirectly what it may not do directly. In United Community Services v. Omaha National Bank, 162 Neb. 786, 77 N.W.2d 576, the court pointed out that in construing a constitutional provision for the purpose of ascertaining the intent of the people in adopting it when its language is explicit, the courts are bound to seek for the intention in the words of the provisions itself, and they are not to suppose or hold that the people intended anything different from what the meaning of the language imports. The key language appears to be "which bonds shall be payable solely out of the revenues, fees and other payments derived from the use of the buildings and facilities constructed or acquired." Solely has been defined to mean a synonym of the term exclusively, In re Anderson's Estate, 3 Cal. 697 (1960). In Bergsvick v. Bergsvick, 205 Or. 670, 291 P.2d

724 (1955), the word "solely" was defined to mean without another; singly; alone; exclusively; to the exclusion of other purposes, persons, etc.: Merely; entirely; and wholly. Thus, within the terms of the constitutional provision the payment for the bonds is to come from only the revenue fees and other payments derived from the use of the building and not from general fund tax dollars. The attempted appropriation by the Legislature would certainly appear to violate this provision of the Constitution.

In addition, we would question the authority of the State Board of College Trustees to use these funds in the manner indicated. Section 85-403, R.R.S. 1943, is a legislative restriction on the manner in which these revenue bonds may be retired. While they apparently appropriated the money in L.B. 1011 and authorized the acquisition of the building, no amendment was made to section 85-403. Before funds may be expended there must be both authority and an appropriation. Yet, it must be obvious, that the proceeds from L.B. 1011 would be used for paying the interest or principal on these bonds from different funds than those specified in section 85-403. This, in effect, would be an amendment to section 85-403 and might well bring the bill within the provision of Section 14, Article III, of the Constitution of Nebraska which provides that no law shall be amended unless the new act contained the section or sections as amended and the section or sections so amended shall be repealed.

There is one other questionable area to which your attention should be directed. Section 19, Article III, Constitution of Nebraska provides that the Legislature shall never grant any extra compensation to any contractor after the contract has been entered into. Arguably the most recent bond issue involving this dormitory is a contract which has been entered into and undoubtedly incorporates the various restrictions on payment within the terms of the statute. Certainly the bond holders should be aware that tax money cannot be looked to for payment. Yet, it would appear that the state is giving an additional consideration on a unilateral basis which is over and above that originally contemplated by these revenue bond issues. In any event, when we read these various provisions of the Constitution together, we feel that it is clear that this approach to the payment of these revenuebonds is invalid.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:ss

April 6, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 434.

This bill was signed by me on April 6, 1976 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw
(Received April 6, 1976)

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 202.

(Signed) Donald N. Dworak, Chairman

SELECT COMMITTEE REPORT
Rules

Mr. President,

The Rules Committee met Wednesday, March 11, 1976, and acted favorably on the following rule change:

Rule 5 - Bills
Section 5.
(b) Add the following:

During the first regular session of each Legislature no committee shall submit more than five bills.

During the second regular session of each Legislature no committee shall introduce more than three bills.

In each regular session of the Legislature any committee may introduce no more than three additional bills resulting from interim studies. Any bill resulting from an interim study may be introduced by a committee only if such bill was prepared under authority of a legislative resolution.

There shall be no limitation on the number of appropriation bills which may be introduced.

(d) In the first regular ~~sessions~~ session of each Legislature each member shall be limited as an introducer or co-introducer to a total of ~~10~~ 12 bills for the period of introduction of bills by individual members. No bills shall be introduced by any member during the second regular session. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of ~~10~~ 12 bills; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members. Bills introduced under Rule 3, Sec. 3a will not be included in the limitation.

Dated: March 31, 1976

(Signed) John W. DeCamp, Chairman

MOTION—Suspend Rules

Speaker Burbach moved to suspend the rules to read the Final Reading bills set for April 8, 1976 be read today.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. F. Lewis asked unanimous consent to lay LB 76 over until the end of Final Reading. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. F. Lewis asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 332. With Emergency.

A BILL FOR AN ACT relating to pesticides; to provide for the training and certification of certain applicators; to provide duties; to provide the order of expenditure of funds; to provide penalties; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Anderson Bereuter Burbach Carsten Cope
DeCamp Dickinson Duis Dworak Fowler
George Goodrich Hasebroock Johnson Kelly
Keyes Kime Koch Kremer R. Lewis
Luedtke Mahoney Maresh Marsh Moylan
Nichol Rasmussen Rumery Savage Schmit
Skarda Stull Swigart Warner Wiltse

Voting in the negative, 7:

Barnett Chambers Fitzgerald Mills Murphy
Stoney Syas

Not voting, 7:

Burrows Cavanaugh Clark Kennedy F. Lewis
Marvel Simpson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 332A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 332, Eighty-fourth Legislature, First Session, 1975; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. Schmit requested a roll call vote.

Voting in the affirmative, 36:

Anderson Bereuter Burbach Burrows Carsten
Cavanaugh Cope DeCamp Dickinson Fowler
George Goodrich Hasebroock Johnson Kelly
Keyes Kime Koch Kremer R. Lewis

Luedtke
Mahoney
Maresh
Marsh
Moylan
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stull
Swigart
Warner
Wiltse

Voting in the negative, 8:

Barnett
Chambers
Dworak
Fitzgerald
Mills
Murphy
Stoney
Syas

Not voting, 5:

Clark
Duis
Kennedy
F. Lewis
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with emergency clause and the title agreed to.

LEGISLATIVE BILL 673.

A BILL FOR AN ACT to amend sections 79-1279 and 79-1509, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for an increase in the annual salary for Reserve Teachers; to provide for the manner of payment; to provide an option for senior school employees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Keyes
Kime
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 4:

Clark
Kennedy
F. Lewis
Stull

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 673A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 673, Eighty-fourth Legislature, Second Session, 1976.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Keyes
Koch
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Swigart
Syas
Warner

Voting in the negative, 0.

Not voting, 8:

Chambers
Clark
Kennedy
Kime
Kremer
F. Lewis
Stull
Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 823. With Emergency.

A BILL FOR AN ACT to amend sections 60-1301, 60-2201, 60-2203 to 60-2206, 60-2208, 60-2210, and 60-2211, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,185, Revised Statutes Supplement, 1974, relating to motor vehicles; to change provisions for shifting of loads; to exclude certain vehicles from the requirement of stopping at weighing stations; to change provisions for regulation of emissions and noise; to increase penalties; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Bereuter	Burbach	Carsten
Chambers	Clark	Cope	DeCamp	Dickinson
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Kime	Koch	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Mills
Moylan	Nichol	Rasmussen	Rumery	Savage
Schmit	Simpson	Skarda	Stoney	Stull
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Burrows	Cavanaugh	Johnson	F. Lewis	Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 781.

Mr. Rasmussen moved to return LB 781 to Select File for the following specific amendment:

Strike the enacting clause.

The motion lost with 17 ayes, 17 nays and 15 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 332, 332A, 673, and 673A.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 332, 332A, 673, and 673A.

RESOLUTIONS

LEGISLATIVE RESOLUTION 199.

Introduced by Cavanaugh, 9th District; Mahoney, 5th District; Skarda, 7th District; Savage, 10th District; Marsh, 29th District; Kremer, 34th District; Hasebroock, 18th District; Luedtke, 28th District; DeCamp, 40th District; Maresh, 32nd District; Johnson, 15th District; Moylan, 6th District; Rumery, 42nd District; Fowler, 27th District; Warner, 25th District; George, 16th District; Dickinson, 31st District; Carsten, 2nd District; Kelly, 35th District; Stoney, 4th District; Koch, 12th District; Kennedy, 21st District; Anderson, 37th District; Burrows, 30th District; Mills, 44th District; R. Lewis, 38th District; Rasmussen, 41st District; Clark, 47th District; Kime, 43rd District; Bereuter, 24th District; Duis, 39th District.

WHEREAS, for over sixty years aviation has, to a great extent, absorbed the thoughts and energy of ARTHUR C. STORZ, SR.; and

WHEREAS, Art Storz' efforts in behalf of aviation resulted, among other honors, in his receiving the Department of the Air Forces' highest civilian decoration for distinguished and exceptionally meritorious service from 1948 through 1962 and in 1955 he was selected as Air Force Association "Man of the Year"; and

WHEREAS, Mr. Storz recently stepped down as chairman of the Omaha Airport Authority, a position he served with dynamic leadership since such authorities' creation in 1959; and

WHEREAS, Art Storz' steadfast efforts and pioneer dedication to Omaha and to air transportation and air transportation facilities have greatly enhanced Omaha's future growth and economic stability, and have earned him national recognition; and

WHEREAS, Arthur C. Storz' services to Omaha, the State of Nebraska, and to the nation have gone far beyond a pledge of good citizenship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature welcomes the opportunity to acknowledge and honor the valuable contributions and services ARTHUR C. STORZ, SR. has rendered to Omaha, the State of Nebraska, and the country.
2. That the Legislature extends its hope that the future will allow for fulfillment of his personal goals and his continued counsel to Nebraska aviation leaders.
3. That the Clerk of the Legislature be directed to forward a copy of this resolution to Mr. Storz as a tribute to his untiring intellect and interest in the promotion and development of aviation.

Laid over.

LEGISLATIVE RESOLUTION 200.

Introduced by DeCamp, 40th District; Fitzgerald, 14th District; Swigart, 8th District; Savage, 10th District; Stull, 49th District; Kime, 43rd District; Dickinson, 13th District; George, 16th District; Keyes, 3rd District; Fowler, 27th District; Rumery, 42nd District; Cope, 36th District; Maresh, 32nd District; Johnson, 15th District; Rasmussen, 41st District; Skarda, 7th District; Simpson, 46th District; Anderson, 37th District; R. Lewis, 38th District; Koch, 12th Disttrict; Burbach, 19th District; Dworak, 22nd District; Goodrich, 20th District; Kennedy, 21st District; Marsh, 29th District; Kelly, 35th District; Wiltse, 1st District; Hasebroock, 18th District; Moylan, 6th District; Marvel, 33rd District; Burrows, 30th District; Syas, 13th District; Stoney, 4th District; Warner, 25th District; Schmit, 23rd District; Carsten, 2nd District; Kremer, 34th District; Clark, 47th District; Bereuter, 24th District.

WHEREAS, the refugee Vietnamese physicians enrolled in an educational program sponsored by the Nebraska Legislature did express their appreciation to the faculty of the University of Nebraska College of Medicine and to the administration of the University of Nebraska for their assistance in the successful attainment of the first phase of the educational program, at a brief ceremony on April 2, 1976 at the Medical Center's Eppley Science Hall Center for Continuing Education; and

WHEREAS, the Nebraska Legislature through its Committee on Public Health and Welfare and other concerned senators did sponsor legislative action which permitted this special educational program for these refugee Vietnamese physicians to assist in helping to diminish the severe shortage of physicians in rural communities of the State of Nebraska; and

WHEREAS, the cooperation between the Legislature and other elected officials of the State of Nebraska and the University of Nebraska, Creighton University, the Nebraska Department of Health, the Nebraska Medical Association and the citizens of several sponsoring communities was essential to the successful accomplishments of the first phase of the program and will be vital for the final phase of the program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its appreciation to the Vietnamese physicians for their didication to completion of the first phase of the educational program and for their commitment to enter the practice of medicine in their sponsoring communities.

2. That the Nebraska Unicameral join the refugee Vietnamese Physicians in the expression of gratitude to the University of Nebraska and especially the faculty of the College of Medicine as cited on April 2, 1976.

3. That the Legislature express its support for the cooperative efforts that must continue for successful completion of the final phase of the educational program for the refugee Vietnamese physicians which will

assist them in assuming the practice of medicine in their sponsoring communities.

Laid over.

VISITORS

The President introduced 29 fourth grade students and teacher from Louisville Elementary School, Louisville, Nebraska; and members of the Boone County Republican Women from Albion, Nebraska.

RECESS

At 12:03 p.m. on a motion by Speaker Burbach, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 823.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 823.

PRESENTED TO THE GOVERNOR

Presented to the Governor April 7, 1976, at 12:05 p.m., were the following bills: 332, 332A, 673, and 673A.

(Signed) Barbara Jackson, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon the final passage:

LEGISLATIVE BILL 781.

A BILL FOR AN ACT to amend sections 60-406 and 60-415, Reissue Revised Statutes of Nebraska, 1943, section 60-403.01, Revised Statutes Supplement, 1975, and sections 60-404 and 60-409, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 2, Legislative Bill 329, Eighty-fourth Legislature, First Session, 1975, relating to motor vehicle operators' licenses; to require color photographs on licenses as prescribed; to change fees; to provide temporary licenses; to provide an advisory committee; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Barnett
Cope
DeCamp
Dickinson
Dworak
Fitzgerald
George
Goodrich
Johnson
Keyes
Kime
Koch
Luedtke
Mahoney
Marsh
Mills
Moylan
Rumery
Savage
Schmit
Simpson
Stoney
Swigart
Warner
Wiltse

Voting in the negative, 23:

Anderson
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Duis
Fowler
Hasebroock
Kelly
Kennedy
Kremer
F. Lewis
R. Lewis
Maresh
Marvel
Nichol
Rasmussen
Skarda
Stull
Syas

Not voting, 1:

Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 781A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 781, Eighty-fourth Legislature, Second Session, 1976.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

The Chair ruled this bill would require 30 votes to pass.

Voting in the affirmative, 26:

Barnett Cavanaugh Cope DeCamp Dickinson
Dworak Fitzgerald Goodrich Johnson Keyes
Kime Koch Luedtke Mahoney Marsh
Mills Moylan Murphy Rumery Savage
Schmit Simpson Stoney Swigart Warner
Wiltse

Voting in the negative, 21:

Anderson Bereuter Burbach Burrows Carsten
Chambers Clark Duis Fowler Hasebroock
Kelly Kennedy Kremer F. Lewis R. Lewis
Maresh Marvel Rasmussen Skarda Stull
Syas

Not voting, 2:

George Nichol

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 782. Mr. Chambers moved to return LB 782 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Chambers asked unanimous consent to withdraw his motion. No objections. So ordered.

LEGISLATIVE BILL 782.

A BILL FOR AN ACT relating to law enforcement; to provide for the creation of law enforcement reserve forces by counties and cities of this state; to establish qualification and training standards; to limit the use of reserve forces; to provide authority; to provide benefits and compensation; to amend sections 14-219, 15-314, 17-107, and 48-126.01, Reissue Revised Statutes of Nebraska, 1943, and sections 16-308 and 48-115, Revised Statutes Supplement, 1975; and to repeal the original sections, and also section 84-806.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 782A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 782, Eighty-fourth Legislature, Second Session, 1976.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Koch
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 2:

Anderson Skarda

Not voting, 3:

Clark F. Lewis Mills

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 799.

A BILL FOR AN ACT relating to the Legislature; to provide for divisions within the Legislative Council; to designate administrators and provide duties; to provide powers and duties of the Legislative Council and the Executive Board; to transfer sections; to transfer responsibility for performance audits; to amend sections 50-401, 50-401.01, 50-404, 50-406 to 50-411, 50-413 to 50-417, 50-421, and 50-422, Reissue Revised Statutes of Nebraska, 1943, section 50-423, Revised Statutes Supplement, 1974, and section 84-304, Revised Statutes Supplement, 1974, as amended by section 2, Legislative Bill 759, Eighty-fourth Legislature, Second Session, 1976; to repeal the original sections, and also sections 49-701 to 49-702.01, 49-704 to 49-707, 49-721 to 49-765, 49-767, 49-768, 50-401.03 to 50-403, 50-405, 50-412, and 50-418 to 50-420, Reissue Revised Statutes of Nebraska, 1943, and sections 49-766 and 50-401.02, Revised Statutes Supplement, 1974.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 20:

Anderson Barnett Bereuter Burrows Cavanaugh
Chambers Clark DeCamp Dworak Fowler
George Kelly F. Lewis Luedtke Marsh
Marvel Mills Rumery Savage Schmit

Voting in the negative, 27:

Burbach Carsten Cope Dickinson Duis
Fitzgerald Goodrich Hasebroock Keyes Kime
Koch Kremer R. Lewis Mahoney Maresh
Moylan Murphy Nichol Rasmussen Simpson
Skarda Stoney Stull Swigart Syas
Warner Wiltse

Not voting, 2:

Johnson Kennedy

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1976, at 2:10 p.m., was the following bill: 823.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 781, 782, and 782A.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 781, 782, and 782A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 821.

A BILL FOR AN ACT to adopt the Nebraska Safe Drinking Water Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Anderson	Burbach	Carsten	Cavanaugh	Cope
Fitzgerald	Fowler	Goodrich	Hasebroock	Johnson
Kennedy	Kime	Koch	Kremer	F. Lewis
Luedtke	Mahoney	Marsh	Moylan	Rasmussen
Rumery	Savage	Simpson	Skarda	Stoney
Swigart	Syas	Warner	Wiltse	

Voting in the negative, 17:

Barnett Bereuter Burrows Chambers Clark
DeCamp Dickinson Duis Dworak Kelly
Keyes R. Lewis Maresh Mills Nichol
Schmit Stull

Not voting, 3:

George Marvel Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 987.

A BILL FOR AN ACT to adopt the Nebraska Political Accountability and Disclosure Act; to provide provisions relating to campaign practices, lobbying, and conflicts of interest as prescribed; to create the Nebraska Accountability and Disclosure Commission; to provide duties and responsiblities of such commission; to provide penalties; to provide for severability; and to repeal sections 32-1136 to 32-1143, 32-1144 to 32-1148, 32-1150 to 32-1155, 49-1101 to 49-1117, 50-308 to 50-311, and 50-313 to 50-318, Reissue Revised Statutes of Nebraska, 1943, and sections 32-1134, 32-1135, 32-1143.01, 32-1143.02, and 32-1149, Revised Statutes Supplement, 1974.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Anderson Barnett Bereuter Burbach Cavanaugh
Cope Dickinson Duis Fowler Goodrich
Hasebroock Kelly Keyes Kime Koch
Kremer F. Lewis Luedtke Maresh Marsh
Marvel Rasmussen Savage Simpson Stoney
Swigart Warner Wiltse

Voting in the negative, 16:

Burrows Carsten Chambers Clark DeCamp
Dworak Fitzgerald Kennedy R. Lewis Mahoney
Mills Nichol Rumery Skarda Stull
Syas

Not voting, 5:

George Johnson Moylan Murphy Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 76. Mr. Dickinson moved to return LB 76 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Dickinson asked unanimous consent to withdraw his motion. No objections. So ordered.

LEGISLATIVE BILL 76.

A BILL FOR AN ACT to amend sections 24-201.01, 24-301.01, 26-106, and 48-159, Revised Statutes Supplement, 1974, and section 24-513, Revised Statutes Supplement, 1975, relating to salaries; to provide for an increase in salaries as prescribed; to change a classification; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Burbach Burrows Carsten Cavanaugh Chambers
Duis Dworak Fitzgerald Fowler George
Goodrich Kelly Keyes Koch F. Lewis
Luedtke Mahoney Marsh Mills Moylan
Rasmussen Rumery Savage Schmit Simpson
Skarda Swigart Syas

Voting in the negative, 14:

Anderson Barnett Bereuter Clark Kennedy
Kime R. Lewis Maresh Marvel Murphy
Nichol Stoney Stull Warner

Not voting, 7:

Cope DeCamp Dickinson Hasebroock Johnson
Kremer Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION–Reconsider Action on LB 182

Mr. Kelly moved to reconsider action on final passage of LB 182.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 37 ayes, 1 nay and 11 not voting.

The Kelly motion to reconsider action lost with 19 ayes, 27 nays and 3 not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 821, 987, and 76.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 821, 987, and 76.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1976, at 2:45 p.m., were the following bills: 781, 782 and 782A.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION–Override Veto on LB 691

Mr. F. Lewis moved to override the Governor's line-item veto on LB 691.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays and 14 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 28:

Barnett
Bereuter
Burbach
Carsten
Cavanaugh
Cope
Dickinson
Fitzgerald
Fowler
Goodrich
Hasebroock
Johnson
Keyes
Koch
Kremer
F. Lewis
Luedtke
Marsh
Nichol
Rasmussen
Rumery
Savage
Schmit
Simpson
Stoney
Stull
Warner
Wiltse

Voting in the negative, 20:

Anderson
Burrows
Chambers
Clark
DeCamp
Duis
Dworak
George
Kelly
Kennedy
Kime
R. Lewis
Mahoney
Maresh
Marvel
Mills
Moylan
Skarda
Swigart
Syas

Not voting, 1:

Murphy

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 182.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 182.

MOTION—Override Veto on LB 690

Mr. Warner moved to override the Governor's line-item veto on LB 690.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays and 17 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 32:

Anderson
Barnett
Bereuter
Burbach
Carsten
Chambers
Cope
Fitzgerald
Fowler
Goodrich
Hasebroock
Johnson
Kime
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Marsh
Mills
Moylan
Nichol
Rumery
Savage
Schmit
Simpson
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 16:

Burrows
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Dworak
George
Kelly
Kennedy
Keyes
Mahoney
Maresh
Marvel
Rasmussen
Skarda

Not voting, 1:

Murphy

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION—Override Veto on LB 972

Mr. Simpson moved to override the Governor's line-item veto on LB 972.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 25:

Burbach
Carsten
Chambers
Cope
Fitzgerald
Fowler
Goodrich
Hasebroock
Johnson
Koch
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Marsh
Nichol
Rumery
Savage
Schmit
Simpson
Swigart
Syas
Warner
Wiltse

Voting in the negative, 23:

Anderson
Barnett
Bereuter
Burrows
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Dworak
George
Kelly
Kennedy
Keyes
Kime
Maresh
Marvel
Mills
Moylan
Rasmussen
Skarda
Stoney
Stull

Not voting, 1:

Murphy

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION—Override Veto on LB 984

Mr. Simpson moved to override line-item veto on LB 984.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 7 nays and 10 not voting.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 24:

Burbach
Carsten
Chambers
Cope
Fitzgerald
Goodrich
Johnson
Koch
F. Lewis
R. Lewis
Luedtke
Mahoney
Marsh
Mills
Nichol
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Swigart
Warner
Wiltse

Voting in the negative, 24:

Anderson
Barnett
Bereuter
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Dworak
Fowler
George
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
Maresh
Marvel
Moylan
Murphy
Rasmussen
Stull
Syas

Not voting, 1:

Burrows

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION–Override Veto on LB 1007

Mr. Goodrich moved to override the Governor's veto on LB 1007.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays and 17 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?"

Mr. Goodrich requested a roll call vote.

Voting in the affirmative, 26:

Anderson Bereuter Burbach Carsten Cavanaugh
Chambers Cope Dickinson Fitzgerald Fowler
Goodrich Johnson Keyes Luedtke Mahoney
Maresh Marsh Moylan Rumery Savage
Schmit Skarda Stoney Swigart Syas
Wiltse

Voting in the negative, 16:

Barnett Burrows Clark Duis Dworak
George Hasebroock Kelly Kennedy R. Lewis
Marvel Mills Murphy Rasmussen Stull
Warner

Not voting, 7:

DeCamp Kime Koch Kremer F. Lewis
Nichol Simpson

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION–Override Veto on LB 454

Mr. Fitzgerald moved to override the Governor's veto on LB 454.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 31:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Cope Fitzgerald
Fowler Goodrich Keyes Koch F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Mills Moylan Rasmussen Rumery Savage
Schmit Simpson Swigart Syas Warner
Wiltse

Voting in the negative, 16:

Clark DeCamp Duis Dworak George
Hasebroock Kelly Kennedy Kime Kremer
Marvel Murphy Nichol Skarda Stoney
Stull

Not voting, 2:

Dickinson Johnson

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION—Override Veto on LB 761

Mr. F. Lewis moved to override the Governor's veto on LB 761.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 33 ayes, 3 nays and 13 not voting.

Voting in the affirmative, 31:

Anderson Barnett Bereuter Burbach Burrows
Carsten Cavanaugh Chambers Dickinson Fitzgerald
Fowler Goodrich Johnson Kelly Keyes

Koch
F. Lewis
Luedtke
Mahoney
Marsh
Mills
Nichol
Rumery
Savage
Schmit
Simpson
Stoney
Swigart
Syas
Warner
Wiltse

Voting in the negative, 16:

Clark
Cope
DeCamp
Duis
Dworak
George
Hasebroock
Kime
Kremer
R. Lewis
Maresh
Marvel
Moylan
Rasmussen
Skarda
Stull

Not voting, 2:

Kennedy
Murphy

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION—Override Veto on LB 761A

Mr. F. Lewis moved to override the Governor's veto on LB 761A.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Dickinson
Fitzgerald
Fowler
Goodrich
Johnson
Kelly
Keyes
Koch
F. Lewis
Luedtke
Mahoney
Marsh
Mills
Nichol
Rumery
Savage
Schmit
Simpson
Stoney
Swigart
Syas
Warner
Wiltse

Voting in the negative, 17:

Clark
Cope
DeCamp
Duis
Dworak
George
Hasebroock
Kennedy
Kime
Kremer
R. Lewis
Maresh
Marvel
Moylan
Rasmussen
Skarda
Stull

Not voting, 1:

Murphy

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

Mr. Fowler moved the Call be raised. The motion prevailed.

MOTION—Override Veto on LB 794

Mr. Fowler moved to override the Governor's veto on LB 794.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 2 nays and 17 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 36:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dworak
Fitzgerald
Fowler
Hasebroock
Kelly
Kennedy
Keyes
Koch
Kremer
F. Lewis
Luedtke
Mahoney
Marsh
Marvel
Mills
Murphy
Nichol
Rumery
Savage
Schmit
Simpson
Swigart
Syas
Warner
Wiltse

Voting in the negative, 9:

Dickinson
Duis
George
Kime
Maresh
Rasmussen
Skarda
Stoney
Stull

Not voting, 4:

Goodrich
Johnson
R. Lewis
Moylan

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION—Override Veto on LB 794A

Mr. Fowler moved to override the Governor's veto on LB 794A.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 2 nays and 11 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor.

Voting in the affirmative, 34:

Anderson
Barnett
Bereuter
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
Dworak
Fitzgerald
Fowler
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Koch
Kremer
F. Lewis
Luedtke
Mahoney
Marsh
Marvel
Mills
Murphy
Nichol
Rumery
Savage
Schmit
Simpson
Swigart
Syas
Warner

Voting in the negative, 6:

Dickinson
George
R. Lewis
Rasmussen
Skarda
Stoney

Not voting, 9:

Burbach
DeCamp
Duis
Goodrich
Kime
Maresh
Moylan
Stull
Wiltse

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION—Override Veto on LB 687

Mr. Clark moved to override the Governor's veto LB 687.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mrs. Marsh moved for a Call of the House. The motion prevailed with 30 ayes, 1 nay and 18 not voting.

Mr. Luedtke requested a roll call vote.

Voting in the affirmative, 32:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Clark
Cope
DeCamp
Dworak
Fitzgerald
Fowler
George
Goodrich
Johnson
Kelly
Keyes
Kime

Koch Luedtke Marsh Marvel Mills
Murphy Nichol Rasmussen Schmit Simpson
Stoney Swigart

Voting in the negative, 12:

Duis Hasebroock Kennedy Kremer R. Lewis
Mahoney Maresh Rumery Savage Skarda
Stull Syas

Not voting, 5:

Dickinson F. Lewis Moylan Warner Wiltse

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

Mr. Nichol moved the Call be raised. The motion prevailed.

MOTION—Override Veto on LB 863

Mr. Nichol moved to override the Governor's veto on LB 863.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Nichol moved for a Call of the House. The motion prevailed with 22 ayes, 9 nays and 18 not voting.

Mr. Nichol requested a roll call vote.

Voting in the affirmative, 25:

Bereuter Burrows Carsten Cope DeCamp
Dworak Fitzgerald Goodrich Hasebroock Johnson
Kelly Koch Kremer Luedtke Mahoney
Maresh Marsh Mills Moylan Nichol
Rasmussen Savage Schmit Simpson Wiltse

Voting in the negative, 23:

Anderson Barnett Burbach Cavanaugh Chambers
Clark Dickinson Duis Fowler George
Kennedy Keyes F. Lewis R. Lewis Marvel

Murphy
Rumery
Skarda
Stoney
Stull
Swigart
Syas
Warner

Not voting, 1:

Kime

Having failed to received a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

Mr. Carsten moved the Call be raised. The motion prevailed.

MOTION—Override Veto on LB 454A

Mr. Fitzgerald moved to override the Governor's veto on LB 454A.

Mr. Cavanaugh moved for a Call of the House. The motion prevailed with 27 ayes, 1 nay and 21 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Cavanaugh requested a roll call vote.

Voting in the affirmative, 30:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Chambers
Cope
Fitzgerald
Fowler
Goodrich
Johnson
Keyes
Koch
F. Lewis
Luedtke
Mahoney
Marsh
Mills
Moylan
Rasmussen
Rumery
Savage
Schmit
Simpson
Stull
Swigart
Warner
Wiltse

Voting in the negative, 18:

DeCamp
Dickinson
Duis
Dworak
George
Hasebroock
Kelly
Kennedy
Kime
Kremer
R. Lewis
Maresh
Marvel
Murphy
Nichol
Skarda
Stoney
Syas

Not voting, 1:

Clark

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION—Override Veto on LB 1011

Mr. Wiltse moved to override the Governor's veto on LB 1011.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Mr. Wiltse requested a roll call vote.

Voting in the affirmative, 26:

Burbach Burrows Carsten Cope Fitzgerald
Fowler Goodrich Johnson Keyes Koch
F. Lewis Luedtke Mahoney Maresh Marsh
Murphy Nichol Rumery Savage Schmit
Simpson Stull Swigart Syas Warner
Wiltse

Voting in the negative, 21:

Anderson Barnett Bereuter Cavanaugh Chambers
Clark DeCamp Dickinson Duis Dworak
George Hasebroock Kelly Kennedy Kremer
R. Lewis Marvel Mills Rasmussen Skarda
Stoney

Not voting, 2:

Kime Moylan

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION—Reconsider Action on LB 1007

Mr. DeCamp moved to reconsider action on the override of LB 1007.

Speaker Burbach moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 12 nays and 11 not voting.

The motion to reconsider action on LB 1007 prevailed with 25 ayes, 16 nays and 8 not voting.

MOTION–Override Veto on LB 1007

Mr. Goodrich moved to override the Governor's veto on LB 1007.

Mr. Chambers moved for a Call of the House. The motion prevailed with 25 ayes, 4 nays and 20 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 25:

Anderson	Bereuter	Burbach	Burrows	Cavanaugh
Chambers	Cope	DeCamp	Fitzgerald	Fowler
Goodrich	Johnson	Keyes	Koch	Luedtke
Mahoney	Marsh	Moylan	Nichol	Rumery
Savage	Schmit	Stoney	Swigart	Syas

Voting in the negative, 20:

Barnett	Carsten	Clark	Duis	Dworak
George	Hasebroock	Kelly	Kennedy	Kime
Kremer	R. Lewis	Maresh	Marvel	Murphy
Rasmussen	Skarda	Stull	Warner	Wiltse

Not voting, 4:

Dickinson	F. Lewis	Mills	Simpson

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

Mr. DeCamp moved the Call be raised. The motion prevailed.

PRESENTATION

Mr. Mahoney presented Speaker Burbach a gift from the Legislature in appreciation of his term as Speaker.

Speaker Burbach thanked the members.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1976, at 3:50 p.m., were the following bills: 76, 987, 821, and 182.

(Signed) Barbara Jackson, Enrolling Clerk

COMMUNICATION ON LB 454

April 7, 1976

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 454 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 454 notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

lt
cc: Governor Exon

CERTIFICATE

Legislative Bill 454 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 7th day of April, 1976.

(Signed) Gerald T. Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 454A

April 7, 1976

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 454A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 454A notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

lt
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 454A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 7th day of April, 1976.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 687

April 7, 1976

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 687 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 687 notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

lt
cc: Governor Exon

CERTFICATE

Legislative Bill 687 having been returned by the Governor with his objections thereon, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 7th day of April, 1976.

(Signed) Gerald T. Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 690

April 7, 1976

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 690 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 690 notwithstanding the line item objections of the Governor.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

lt
cc: Governor Exon

CERTIFICATE

Legislative Bill 690 having been returned by the Governor with his line item objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 7th day of April, 1976.

(Signed) Gerald T. Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 691

April 7, 1976

The Honorable Allen Beermann
Secretary of State
State Capital Building
Lincoln, Nebraska 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line item veto by Governor Exon on LB 691, I am delivering the bill for filing in the form and amounts as approved by the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

lt
cc: Governor Exon

COMMUNICATION ON LB 761

April 7, 1976

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 761 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 761 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

lt
cc: Governor Exon

CERTIFICATE

Legislative Bill 761 having been returned by the Governor with his objections thereon, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 7th day of April, 1976.

(Signed) Gerald T. Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 761A

April 7, 1976

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 761A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 761A notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

lt
cc: Governor Exon

CERTIFICATE

Legislative Bill 761A having been returned by the Governor with his objections thereon, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 7th day of April, 1976.

(Signed) Gerald T. Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 794

April 7, 1976

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 794, Eighty-fourth Legislature, Second Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 794 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 794 notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

ca
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 794 having been returned by the Governor with his objections thereon, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 7th day of April, 1976.

(Signed) Gerald T. Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 794A

April 7, 1976

The Honorable Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 794A, Eighty-fourth Legislature, Second Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 794A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 794A notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ca
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 794A having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority it has become law this 7th day of April, 1976.

(Signed) Gerald T. Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 972

April 7, 1976

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line item veto by Governor Exon on LB 972, I am deliving (sic) the bill for filing in the form and amounts as approved by the Governor.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

lt
cc: Governor Exon

COMMUNICATION ON LB 984

April 7, 1976

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line item veto by Governor Exon on LB 984, I am delivering the bill for filing in the form and amounts as approved by the Governor.

Very truly yours,
(Signed) Vincent D. Brown
Clerk of the Legislature

lt
cc: Governor Exon

RESOLUTIONS

LEGISLATIVE RESOLUTION 199.

Mr. Cavanaugh moved to suspend the rules, Rule 4, Sec. 5 to consider the new resolutions today. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

LR 199 was adopted with 38 ayes, 0 nays and 11 not voting.

LEGISLATIVE RESOLUTION 200.

LR 200 was adopted with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE RESOLUTION 201.

Introduced by Cavanaugh, 9th District; Maresh, 32nd District; Luedtke, 28th District; Simpson, 46th District; Wiltse, 1st District; Hasebroock, 18th District; Nichol, 48th District; Savage, 10th District; F. Lewis, 45th District; Rumery, 42nd District; George, 16th District; Warner, 25th District; Anderson, 37th District; Koch, 12th District; Stoney, 4th District; Murphy, 17th District; Burrows, 30th District; Goodrich ,20th District; Mills, 44th District; Marsh, 29th District; Moylan, 6th District; Swigart, 8th District; Kennedy, 21st District; Dworak, 22nd District; DeCamp, 40th District; Chambers, 11th District.

WHEREAS, Congress has passed the Metric Conversion Act of 1975 (P.L. 94-168) to coordinate the voluntary conversion to the use of the metric system of measure; and

WHEREAS, ninety per cent of the world's population and more than seventy-five per cent of the world's production and trade currently employ the metric system; and

WHEREAS, the Department of Agriculture has begun use of the metric system, and the Department of Interior has a comprehensive metric planning study underway; and

WHEREAS, the European Common Market has declared that all imports must be metric by 1977, and the Department of Commerce's metric study estimates that the United States balance of trade would benefit by $600 million a year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourage that efforts be taken to make the International System of Units (SI) the primary system of measurement in Nebraska.

2. That Nebraska State Government begin an orderly transition from the customary units of measurement to the modern metric system of

measurement (SI).

3. That this resolution be recorded in the minutes of the Unicameral and copies be forwarded to the Governor, Executive and Judicial branches of Government, Administrative Departments, and Constitutional agencies of the State of Nebraska.

LR 201 failed with 22 ayes, 15 nays and 12 not voting.

LEGISLATIVE RESOLUTION 202.

Introduced by Bereuter, 24th District; Maresh, 32nd District; Kremer, 34th District.

WHEREAS, the ice and wind storm during the night of March 29, 1976 caused severe damage to the facilities of the public power districts in Southeast Nebraska; and

WHEREAS, the storm resulted in the loss of electric power thereby affecting over one hundred thousand Nebraska citizens in over seventy communities in a sixteen county area of Southeast Nebraska; and

WHEREAS, the storm caused an estimated thirty million dollars of damages to the public power facilities in the areas affected; and

WHEREAS, the storm has caused and continues to cause grievance, suffering and inconvenience to the citizens within the disaster area; and

WHEREAS, there exists a clear and present danger of serious economic loss to citizens in the affected areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its commendations to the Executive agencies for their prompt action in directing state assistance to the disaster area.

2. That the Legislature commends the managers and employees of the Nebraska public power districts and telephone companies which were affected by the storm for their actions in attempting to restore power and telephone service to the citizens residing in the affected areas.

3. That the Legislature extends to the managers and employees of other public power districts its gratitude for the assistance rendered by those districts.

4. That the Legislature commends the Nebraska National Guard, the Civil Air Patrol and local civil defense organizations for their actions during the disaster period.

5. That the Legislature extends to the Governors of the States of Iowa and Kansas its appreciation for the assistance rendered to this state by these states.

6. That the Legislature urges the U.S. Federal Disaster Assistance Agency to recognize and act promptly on this state's request for disaster assistance under the Federal Disaster Act of 1974, including assistance to

the public power districts to repair their badly damaged systems.

7. That copies of this resolution be forwarded to and otherwise made available to the Nebraska congressional delegation and those individuals and agencies enumerated in this resolution.

LR 202 was adopted with 34 ayes, 0 nays and 15 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. R. Lewis asked unanimous consent to be excused Thursday and Friday, April 8 and 9. No objections. So ordered.

MOTION–Rule Changes

Mr. Carsten moved to consider pending rule changes in the Journal.

Mr. Carsten moved for a Call of the House. The motion prevailed with 17 ayes, 12 nays and 20 not voting.

VISITORS

The President introduced 9th, 10th, 11th and 12th grade students, teacher and sponsor from Big Springs, Nebraska; 11th and 12th grade students and teacher from Millard High School, Millard, Nebraska.

ADJOURNMENT

At 5:46 p.m., on a motion by Mr. F. Lewis, the Legislature adjourned until 9:00 a.m., Thursday, April 8, 1976.

Vincent D. Brown
Clerk of the Legislature

SIXTY-FIRST DAY—APRIL 8, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 8, 1976

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal Father of our souls, grant to the members and officers of this Legislature a sacred moment of quiet before we take up the duties of the day. Turn our thoughts to Thee, and open our hearts to Thy spirit that we may have wisdom in our decisions, understanding in our thinking, love in our attitudes, and mercy in our judgment. Let us not think, when this prayer is said, that our dependence upon Thee is over, and forget thy counsels for the rest of the day. Rather from these moments of hard searching may there come such a sweetness of disposition that all may know that thou art in this place. From this holy interlude may there flow light and joy and power that will remain with us until night shall bring thy whispered benediction, "Well done, good and faithful servant." So help us all this day, through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burrows, Cavanaugh, Chambers, DeCamp, Fowler, Johnson, Koch, F. Lewis, R. Lewis, Mahoney, Nichol, Stoney and Swigart, who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixtieth Day was approved.

ADJOURNMENT

At 9:02 a.m., on a motion by Speaker Burbach, the Legislature adjourned until 10:00 a.m., Friday, April 9, 1976.

Vincent D. Brown
Clerk of the Legislature

SIXTY-SECOND DAY—APRIL 9, 1976

LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 9, 1976

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> For the infinite variety of circumstances and situations, of issues and events, of joys and sorrows, which have marked the pathway from where we were at the start of this Session, to the place where we find ourselves this morning . . .
>
> -- for the sheer privilege of having been brought together from our widely differing backgrounds and areas as members of one family in this House . . .
>
> -- for those occasions when we have been able to see beyond our differences of opinion and political philosophy, and unite behind purposes which are larger than we are, and advance causes which are destined to outlive us . . .
>
> -- for whatever use You have been able to make of us in serving the needs of others . . .
>
> -- for the courage we have experienced in moments of heat and tension really to believe that what helps people is always right, and for anything and everything that has happened during this Session to translate that conviction into action . . .
>
> -- for the record, good and not so good, to which we now point with satisfaction, or criticize as less than satisfactory . . .
>
> -- for those who have worked among us in committee and caucus, or quietly behind the scenes in less obvious roles to help the machinery of this House and this State to move on, as for families back home who have continued to support us when things have not gone smoothly here . . .
>
> -- for the inner satisfaction we feel that we have been part of some things happening for good in our time, as for the penitence we feel that we could not have done more, that we did not do better . . .

-- for friendships we have formed here with each other, and with others, which will continue to have meaning and memory far beyond our associations here . . .

-- for the uncertain future which lies beyond today's Session, and the continuing crises with which it will confront all of us, and for the continuing dedication and devotion it will inspire from all men of good will . . .

-- for such things as these we pray in special thanksgiving at this day's beginning, which marks this Session's ending.

O Lord our God.

Your love divine has led us in the past;
In this free land, by You our lot is cast.
Still be our Ruler, Guardian, Guide and Stay,
Your word our law, Your paths our chosen way.

ROLL CALL

The roll was called and all members were present except Messrs. Johnson, Koch, F. Lewis, R. Lewis, Moylan, Murphy and Nichol who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-first Day was approved.

MESSAGES FROM THE SECRETARY OF STATE

April 7, 1976

Vincent D. Brown
Clerk of the Legislature
Unicameral Legislature
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 691, LB 972 and LB 984, Eighty-fourth Legislature, Second Session

Dear Mr. Brown:

This letter is to acknowledge receipt of LB 691, LB 972 and LB 984 on this 7th day of April, 1976 at 5:55 P.M.

Inasmuch as the Legislature did not override the line item veto by Governor Exon on LB 691, LB 972 and LB 984, the bills will be filed in the form and amounts as approved by the Governor.

Sincerely yours,

ALLEN J. BEERMANN
Secretary of State

(Signed) Ralph Englert
Deputy Secretary of State

April 7, 1976

Vincent D. Brown
Clerk of the Legislature
Unicameral Legislature
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 690, LB 687, LB 794A, LB 794, LB 761A, LB 761, LB 454A and LB 454, Eighty-fourth Legislature, Second Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on April 7, 1976 at 5:52 P.M., LB 690, LB 687, LB 794A, LB 794, LB 761A, LB 761, LB 454A and LB 454. Along with LB 690, LB 687, LB 794A, LB 794, LB 761A, LB 761, LB 454A and LB 454, I hereby acknowledge receipt of your cover letters, signed certificates by Gerald T. Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 690, 687, 794A, 794, 761A, 761, 454A and 454 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority it has become law this 7th day of April, 1976."

Further, I hereby acknowledge that LB 690, LB 687, LB 794A, LB 794, LB 761A, LB 761, LB 454A and LB 454, cover letters, certificates and copies of the Governor's veto messages have all been filed in this office as a matter of record on the day and hour stated above.

Very truly yours,

ALLEN J. BEERMANN
Secretary of State

(Signed) Ralph Englert
Deputy Secretary of State

REPORT OF EMPLOYEES

April 8, 1976

During the month of March, 1976, there were 164 full and part-time employees being paid from Fund 1025, Program 121, Legislative Session Services. The total amount paid to these employees was $87,425.49, of which $162.65 was overtime. The figure includes the State's share of OASI and retirement and insurance contributions.

Detailed information is on file in the Accounting and Budgeting office of the Legislative Council.

Vincent D. Brown
Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

April 8, 1976

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 781 without my signature and with my objections.

This measure would further penalize Nebraskans by extracting from them an additional $300,000 per year for driver's license renewals and new licenses.

The license holders would be forced to have their pictures on their driver's licenses which certainly would be of little benefit to them.

That, in my opinion, would be an expensive and unnecessary picture of one's self and is vetoed primarily for that reason.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:ah2

ATTORNEY GENERAL'S OPINION

Opinion No. 218
April 8, 1976

Dear Mr. Stull:

You pose two questions which have arisen as a result of our letter to the Governor, dated April 5, 1976, concerning LB 1011. We will answer your second question first.

You wish to know how LB 1011 can be amended to be in compliance with Section 14, Article III, Constitution of Nebraska. LB 1011 states that the Board of Trustees of the Nebraska State Colleges is authorized to acquire Major's Hall. The appropriation is from the general fund for that purpose. Though the bill does not say so, we assume the appropriation is to the Board. Sec. 85-403, R.R.S. 1943, states what funds may be expended by the Board to pay off the bonds and specifically excludes "funds derived from taxation." So, if we forget for this question the constitutional restriction and consider only the statute, this section would need to be amended to permit the Board to expend these funds for the purpose specified.

You also wish to know if the State may purchase a building for a legitimate state purpose even though it is a revenue bond facility and such purchase would have the indirect effect of retiring bonded indebtedness. Our court has repeatedly held that the Legislature may not circumvent an express provision of the Constitution by doing indirectly that which it may not do directly, see State ex rel Rogers v. Swanson, 192 Neb. 195. Your question is overly broad. We cannot possibly envision all of the possible circumstances which might arise. In addition, the actual factual circumstances might need to be considered if acquisition of such a facility were contemplated to make sure that Section 1, Article XIII, of our Constitution was not being violated directly or indirectly.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:smh
cc: Mr. Vincent Brown
Clerk of the Legislature

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: 199, 200, and 202.

MOTION—Suspend Rules

Speaker Burbach moved to suspend the rules, Rule 6, Sec. 6(b), to read the bills set for tomorrow Final Reading today.

The motion prevailed with 38 ayes, 1 nay and 10 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 202. With Emergency.

A BILL FOR AN ACT to repeal section 39-662.03, Revised Statutes Supplement, 1975, relating to rules of the road; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson
Barnett
Bereuter
Burbach
Burrows
Carsten
Cavanaugh
Clark
Cope
DeCamp
Dickinson
Duis
Dworak
Fitzgerald
Fowler
George
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
Luedtke
Mahoney
Maresh
Marsh
Marvel
Mills
Rasmussen
Rumery
Savage
Schmit
Simpson
Skarda
Stoney
Stull
Swigart
Syas
Warner
Wiltse

Voting in the negative, 1:

Chambers

Not voting, 7:

Johnson
Koch
F. Lewis
R. Lewis
Moylan
Murphy
Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

REPORT ON INTERIM STUDY RESOLUTIONS

TO: Eighty-Fourth Legislature, Second Session
FROM: Executive Board of the Legislative Council
DATE: April 9, 1976

RE: REPORT ON LEGISLATIVE RESOLUTIONS PROPOSING INTERIM STUDIES

The Rules of the Nebraska Unicameral (Rule 4, Sec. 3) provide that Resolutions proposing interim studies be referred to the Executive Board of the Legislative Council for review. The Board is then to submit a report on these Resolutions with recommendations that the proposed studies be made or rejected. The Executive Board met on Wednesday, April 7, and Friday, April 9, to consider all of the Resolutions proposing studies introduced during the current session.

The Executive Board recommends the approval of all of the Resolutions proposing studies attached hereto; that they be referred to the Committee named in said Resolutions unless otherwise assigned by the Board; and that these Committees make the final determination of the actual study projects they will undertake pursuant to said Resolutions, and which can be pursued without the addition of more staff.

(Signed) Eugene T. Mahoney, Chairman
Executive Board

LR 111 Study of the quality of railroad crossings. (George) Referred to Public Works Committee.

LR 121 Study by Judiciary Committee relative to public notice of hearings for rule changes and other administrative agency activity. (Administrative Rules Committee) Referred to Administrative Rules Committee.

LR 124 Study by Banking Committee of all casualty loss and liability insurance programs in which the state is involved. (Duis) Referred to Banking, Commerce & Insurance Committee.

LR 125 Study by Government Committee of Nebraska Fire Services Training Agency and Fire Training Academy. (Government Committee) Referred to Government, Military & Veteran Affairs Committee.

LR 126 Study by Government Committee of improvement of Nebraska State Library Commission. (Government Committee) Referred to Government, Military & Veterans Affairs Committee.

LR 127 Study by Government Committee of preventative maintenance of state-owned buildings. (Government Committee) Referred to Executive Board.

LR 128 Study by Public Health Committee of "Certificate of Need" law governing health services in Nebraska. (Public Health & Welfare Committee) Referred to Public Health & Welfare Committee.

LR 129 Study of Agriculture Committee of the County Extension Service and it's funding. (Agriculture & Environment Committee) Referred to Agriculture & Environment Committee.

LR 130 Study by Retirement Committee of improvement in Public Employees Retirement Systems. (Retirement Committee) Referred to Nebraska Retirement Systems.

LR 131 Study of State Traffic Safety Education Center. (Cope) Referred to Public Works Committee.

LR 132 Study by Urban Affairs Committee of off-street parking districts and downtown improvement. (Barnett) Referred to Urban Affairs Committee.

LR 133 Study by Government Committee of functions of Nebraska State

	Library Commission. (Koch) Referred to Government, Military & Veterans Affairs Committee.
LR 135	Study by Banking Committee of additional protective measures for Nebraska investors. (Koch) Referred to Banking, Commerce & Insurance Committee.
LR 137	Study of professional fee policy of UN and Crippled Children's program. (Clark - R. Lewis) Referred to Appropriations Committee. (Plus Senators R. Lewis and DeCamp) *Provisions of LR 173 also to be studied in conjuction with LR 137.
LR 138	Subcommittee of 3 members of Appropriations & Health Committees each to conduct a study relating to drug product name substitution. (Clark) Referred to Public Health & Welfare Committee.
LR 139	Study by Public Works Committee of improvements or additions to state's water and related land resources. (Public Works Committee) Referred to Public Works Committee) (Plus Senator Schmit)
LR 140	Study of setting of natural gas rates. (Public Works) Referred to Public Works Committee.
LR 141	Study by Revenue Committee of classification of property for tax purposes. (Keyes) Referred to Revenue Committee.
LR 142	Study by Health Committee of local political subdivisions assisting in needs of older citizens. (F. Lewis) Referred to Public Health and Welfare Committee.
LR 143	Study by Revenue Committee of state income tax use to generate additional revenue for highway construction and maintenance. (Maresh) Referred to Revenue Committee.
LR 144	Study by Government Committee of the feasibility and workability of establishing a Nebraska Fire Service Training Agency and Fire Training Academy. (Koch) Referred to Government, Military and Veterans Affairs Committee.
LR 145	Committee to be appointed to study Eastern Nebraska Human Services Agency. (Clark) Referred to the Appropriations Committee.
LR 146	Study by Judiciary Committee of plans offered for implementation in Nebraska for compensation of crime victims. (Judiciary Committee) Referred to the Judiciary Committee.
LR 147	Study by Judiciary Committee of Nebraska's No-fault divorce law. (Judiciary Committee) Referred to the Judiciary Committee.
LR 148	Study by Judiciary Committee of administation of law enforcement training academy at Grand Island. (Judiciary Committee) Referred to the Judiciary Committee.
LR 149	Study of Judiciary Committee on question of legal right to die. (Judiciary Committee) Referred to Judiciary Committee.

LR 150 Study by Judiciary Committee of all Nebraska laws which may be discriminatory on basis of sex. (Luedtke) Referred to Judiciary Committee.

LR 151 Study by Health Committee of the need for a training and licensing program for Emergency Medical Technician Advanced. (Health Committee) Referred to Public Health and Welfare Committee.

LR 152 A select committee on State Agency Review be appointed to study state agencies, departments, offices, etc. (Schmit–DeCamp) Referred to Appropriations Committee. Plus Senators Schmit and DeCamp.

LR 154 Study by Government Committee of State Fire Marshal's office. (Government Committee) Referred to Government, Military and Veterans Affairs.

LR 155 Study by Legislative Rules Committee of existing rules of the Legislature and proposals for new rules. (Rules Committee) Referred to Legislative Rules Committee. (Plus Senator Carsten)

LR 155 Amended - Amendments are:

1. Strike section 4
2. Strike section 3 and insert:
"The Legislative Council shall not assume the expenses for attending meetings called by Provisions of LR 155, except for members of the committee."
3. Senator Cal Carsten to serve as a member of committee.

LR 156 Study by Judiciary Committee on desirability and need for a uniform system of criminal procedure in Nebraska Courts. (Judiciary Committee) Referred to Judiciary Committee.

LR 157 Study by Judiciary Committee of Board of Parole in area of work release, educational release, furloughs, etc. (Judiciary Committee) Referred to Judiciary Committee.

LR 158 Study of Revenue Committee of alternative methods of generating revenue in lieu of revenue sharing. (Maresh) Referred to Revenue Committee.

LR 159 Study by the Telecommunications Committee regarding the Federal Communications Commission and its jurisdiction. (Telecommunications Committee) Referred to Telecommunications Committee.

LR 161 Special Committee consisting of 3 members of Appropriations Committee and 3 members of Health Committee be appointed to study treatment and care of mentally ill in regional centers (Fowler) Referred to Public Health and Welfare Committee.

LR 163 Study by Agriculture Committee of zoning and land use laws in Nebraska. (Agriculture Committee) Referred to Agriculture and Environment Committee.

LR 164 Study by the Judiciary Committee of abortion practices in the State. (Chambers) Referred to Judiciary Committee

LR 165 Study by the Agriculture Committee of present economic impact of environmental rules and regulations upon financial conditions of agriculture. (Agriculture Committee) Referred to Agriculture and Environment Committee.

LR 166 Study by Agriculture Committee of establishing more equitable quotas which would not be detrimental to Nebraska's livestock industry. (Agriculture Committee) Referred to Agriculture and Environment Committee.

LR 168 Study by Agriculture Committee of solar and grain alcohol energy resources. (Agriculture Committee) Referred to Agriculture and Environment Committee.

LR 169 Study by Banking Committee of all financial institutions in Nebraska which are under control of Banking Department. (Murphy) Referred to Banking, Commerce and Insurance Committee.

LR 170 Study by Agriculture Committee to gather information concerning training, education, and certification of pesticide applicators. (Agriculture Committee) Referred to Agriculture and Environment Committee.

LR 171 Study by Agriculture Committee of the handling, shipping, and grading of grain. (Agriculture Committee) Referred to Agriculture and Environment Committee.

LR 172 Study by the Agriculture Committee of Environmental Protection Agency rules and regulations. (Agriculture Committee) Referred to Agriculture and Environment Committee.

LR 173 Committee be appointed to study fee setting practices at the UN Medical Center. (DeCamp) Referred to Appropations Committee (Plus Senator DeCamp).

LR 174 Study by Health Committee of need for legislation requiring any person engaged in practice of social work be licensed. (Fowler) Referred to Public Health and Welfare Committee. (Plus Senator Fowler).

LR 175 Study by Labor Committee of need for legislation creating a method of recovery of lost wages from employers who refuse to pay or who leave the state. (Labor Committee) Referred to Labor Committee.

LR 177 Study of the Military Department and National Guard. (Koch, Luedtke, George, etal) Referred to Government, Military and Veterans Affairs Committee.

LR 179 Study by Appropriations Committee of regulatory programs, procedures, practices, of state agencies. (Bereuter) Referred to Appropriations Committee.

LR 180 Study by Miscellaneous Subjects Committee of Nebraska Commission on Law Enforcement and Criminal Justice and

Nebraska Law Enforcement Training Center. (Anderson) Referred to Miscellaneous Subjects Committee.

LR 181 Study by Miscellaneous Subjects Committee of federal, state, and local policies concerning criminal records. (Anderson) Referred to Miscellaneous Subjects Committee.

LR 182 Study by Miscellaneous Subjects Committee of state and local policies concerning collection, storage, dissemination and usage of public records. (Anderson) Referred to Miscellaneous Subjects Committee.

LR 183 Study by Constitutional Revision Committee of feasibility of a recreational trail system. (Anderson) Referred to Constitutional Revision & Recreation Committee.

LR 184 Study by Appropriations Committee of the use of computer technology in providing more detailed information to legislators. (Appropriations Committee) Referred to Appropriations Committee.

LR 185 Study by Appropriations Committee of state's present organizational structure. (Appropriations Committee) Referred to Appropriations Committee.

LR 186 Study by Appropriations Committee of impact of mandated cost-related reimbursement for nursing home care to state and county government. (Appropriations Committee) Referred to Appropriations Committee.

LR 187 Study by Urban Affairs Committee of housing for migrant or seasonal agricultural laborers. (Fowler) Referred to Urban Affairs Committee.

LR 188 Study by Urban Affairs Committee of statutes governing railroad transportation safety districts. (Fowler) Referred to Urban Affairs Committee.

LR 189 Study by Judiciary Committee of feasibility of merging state and municipal court systems. (Luedtke) Referred to Judiciary Committee.

LR 190 Committee be appointed to study subjects relative to rural telephone systems. (Bereuter, Mills, Anderson, Rumery etal) Referred to Telecommunications Committee.

LR 191 Study by Appropriations Committee of the role of private funding sources in institutions of higher education. (Fowler) Referred to Appropriations Committee. (Plus Senator Fowler).

LR 192 Study by Appropriations Committee of resource needs and methods and procedures utilized by the Public Service Commission. (Bereuter, Anderson and Fowler) Referred to Appropriations Committee. (Plus introducers).

LR 193 Study by Urban Affairs Committee of community development, housing and need for community facilities. (Fowler) Referred to Urban Affairs Committee.

LR 194 Study by Urban Affairs Committee of statutes which give cities power to provide urban services. (Fowler) Referred to Urban Affairs Committee.

LR 195 Study by Agriculture Committee of corporate and family farm legislation proposed by other states or other interested parties. (Agriculture Committee) Referred to Agriculture and Environment Committee.

Mr. Mahoney moved the adoption of the report. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: LB 202.

(Signed) Donald N. Dworak, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 202.

REPORT OF EXECUTIVE BOARD

The Executive Board of the Legislative Council, in accordance with Section 50-421, appointed the following members to serve on the Nebraska Transportation Advisory Committee: Senator Stull, Senator Savage, Senator Warner, with Senator Carsten, Chairman of the Revenue Committee and Senator Kremer, Chairman of the Public Works Committee as ex officio members.

(Signed) Eugene T. Mahoney, Chairman

APPRECIATION

Mr. Mahoney presented Mr. Dworak a brief case, on behalf of the members, for appreciation of his term as Chairman of the E & R Committee.

Mr. Dwoark thanked the members and the E & R staff.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 9, 1976, at 10:22 a.m., was the following bill: LB 202.

(Signed) Judy West, Enrolling Clerk

MOTION–Session Laws and Permanent Journal

Mr. Anderson moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Index by Vincent D. Brown, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws; and further that each member of the press assigned to the Legislature be given the same.

The motion prevailed.

MOTION–Appreciation to Press

Mr. Kime moved that this body express its thanks and appreciation to the newspapers and the press association, radio and television stations for reporting the events and activities of the Eighty-fourth Legislature, and to the Nebraska Television Network for their coverage and programming to the people of the State of Nebraska.

The motion prevailed.

MOTION–Appreciation to Presiding Officer

Mr. Kennedy moved that as evidence of our sincere appreciation for our presiding officer, Lieutenant Governor Gerald T. Whelan, for the fair and impartial performance of his duties that we present a Nebraska flag together with a gavel as emblems of his having served as a fair and impartial presiding officer.

The motion prevailed.

Speaker Burbach presented President Whelan with a plaque, gavel and Nebraska Flag on behalf of the members.

President Whelan thanked the members.

MOTION–Appreciation to Speaker

Mr. Syas moved that as evidence of our sincere appreciation for our presiding officer, the Speaker Jules Burbach, for the fair and impartial performance of his duties that we present a Nebraska flag together with a gavel as emblems of his having served as a fair and impartial presiding officer.

The motion prevailed.

Mr. Syas presented Speaker Burbach with a plaque, gavel and Nebraska flag from the members in appreciation of his term as Speaker.

Speaker Burbach thanked the members.

MOTION—Advise Governor

Mr. Cavanaugh moved that a committee of two be appointed to advise the Governor's office that the Eighty-fourth Legislature, Second Session of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed. The Chair appointed Messrs. Anderson and Cavanaugh to serve on said Committee.

EASE

The Legislature was at ease from 10:33 a.m. until 10:37 a.m.

The Committee returned and escorted Governor Exon to the rostrum where he addressed the Legislature.

The Committee escorted the Governor from the Chamber.

RETIRING MEMBERS

The members retiring from the body, Messrs. Skarda, Kime, Anderson, Kennedy, Cavanaugh, and Speaker Burbach expressed their appreciation to the Legislature and staff.

ANNOUNCEMENTS

Speaker Burbach asked that if any members have bills they wish re-introduced next session that they should contact Mr. Emory Burnett so he can preserve them on the computer.

He announced he has passed out a list of Legislative processes from some of the surrounding states.

Mr. Schmit announced the committee on Agriculture and Environment will caucus briefly upon adjournment.

VISITORS

The President introduced 35 fifth through eighth grade students, teachers and sponsors from Madison County District 37, Norfolk, Nebraska; 69 eighth grade students teacher and sponsors from Christ the King Grade School, Omaha, Nebraska; and the Legislative transcribers.

MOTION–Adjournment

Mr. Skarda moved that the Journal for the Sixty-second Day, as prepared by the Clerk, be approved, and that the Eighty-fourth Legislature, Second Session of the Legislature, having finished all business before it, now at 11:02 a.m., we adjourn sine die.

The motion prevailed.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

RECEIVED AFTER ADJOURNMENT

MESSAGES FROM THE GOVERNOR

April 12, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 202, 673A, 782A, 821, and 823, and Reengrossed Legislative Bills Nos. 673 and 782.

These bills were signed by me on April 12, 1976, and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

April 13, 1976

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 987 and Reengrossed Legislative Bills Nos. 76 and 332. These bills were signed by me on April 13, 1976 and delivered to the Secretary of State.

Also delivered to the Secretary of State was Engrossed Legislative Bill No. 332A which was signed by me, but containing my line item veto.

Engrossed Legislative Bill No. 182 was delivered to the Secretary of State without my signature and with my objections.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw
cc: The Honorable Allen Beermann

April 13, 1976

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I hereby return LB 182 without my signature and with my objections.

LB 182 is the campaign finance disclosure law passed with the competing alternative campaign financing, lobbying and conflict of interest bill, LB 987.

Since I have today signed into law LB 987, I must veto this duplicative measure.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah2

April 13, 1976

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I am hereby returning LB 332A with my line-item veto reduction.

I have reduced LB 332A by $175,000 of State General Fund tax money.

The substantial cost for the implementation of the pesticide training and education requirements of LB 332 will be covered through Federal assistance provided by the Environmental Protection Agency. Therefore, all of the money appropriated in LB 332A will not be necessary and I have reduced the same accordingly.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah2

CERTIFICATE

I, Vincent D. Brown, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided by the Governor concerning gubernatorial action on bills after adjournment of the Eighty-fourth Legislature, Second Session.

(Signed) Vincent D. Brown
Clerk of the Legislature

April 14, 1976
Lincoln, Nebraska

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LEGISLATIVE JOURNAL

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION
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Compiled by

VINCENT D. BROWN

Clerk of the Legislature

CHRONOLOGY OF BILLS

EIGHTY-FOURTH LEGISLATURE
SECOND SESSION
1976

LEGISLATIVE BILL 7. By Executive Board

Jan.	7	Title	8
Jan.	7	Bracketed	107
Jan.	13	Goodrich amendment offered. Bracketed	190
Jan.	29	Motion to withdraw pending	441
Jan.	30	Withdrawn	468

LEGISLATIVE BILL 25. By R. Lewis

Jan.	7	Title	8
Feb.	18	Placed on General File	699
Mar.	3	Referred for review	907
Mar.	5	Placed on Select File	938
Mar.	8	Referred for engrossment	975
Mar.	9	Correctly engrossed	1000
Mar.	12	Final Reading	1089
Mar.	12	Correctly enrolled. President signed	1107
Mar.	12	Presented to Governor	1113
Mar.	15	Explanation of vote	1122
Mar.	15	Explanation of vote	1125
Mar.	16	Approved by Governor	1148

LEGISLATIVE BILL 29. By Nebraska Retirement Systems Committee

Jan.	7	Title	8
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 30. By Nebraska Retirement Systems Committee

Jan.	7	Title	9
Jan.	12	Bracketed	166
Feb.	3	Final Reading	514
Feb.	4	Correctly enrolled. President signed	534
Feb.	5	Presented to Governor	552
Feb.	11	Approved by Governor	637

LEGISLATIVE BILL 30A. By Nebraska Retirement Systems Committee

Jan.	13	Read first time. Placed on General File	189
Jan.	14	Referred to Committee on Appropriations	205
Jan.	15	Re-referred to General File	233
Jan.	22	Referred for review	327
Jan.	27	Placed on Select File	382
Jan.	28	Referred for engrossment	428

Jan. 29	Correctly engrossed	452
Feb. 3	Final Reading	514
Feb. 4	Correctly enrolled. President signed	534
Feb. 5	Presented to Governor	552
Feb. 11	Approved by Governor	637

LEGISLATIVE BILL 33. By Nebraska Retirement Systems Committee

Jan. 7	Title	9
Feb. 4	Placed on General File	533
Mar. 5	Referred for review	944
Mar. 8	Placed on Select File	982
Mar. 9	Referred for engrossment	1013
Mar. 10	Correctly engrossed	1044
Mar. 25	Final Reading	1387
Mar. 25	Correctly enrolled. President signed	1391
Mar. 25	Presented to Governor	1399
Mar. 29	Approved by Governor	1479

LEGISLATIVE BILL 37. By Nebraska Retirement Systems Committee

Jan. 7	Title	9
Jan. 9	Referred for review	148
Jan. 23	Placed on Select File	341
Jan. 26	Referred for engrossment	365
Jan. 27	Correctly engrossed	391
Jan. 30	Final Reading	458
Feb. 2	Correctly enrolled. President signed	503
Feb. 3	Presented to Governor	510
Feb. 9	Approved by Governor	587

LEGISLATIVE BILL 40. By Nebraska Retirement Systems Committee

Jan. 7	Title	9
Feb. 4	Indefinitely postponed	533

LEGISLATIVE BILL 64. By Nebraska Retirement Systems Committee

Jan. 7	Title	10
Feb. 4	Indefinitely postponed	533

LEGISLATIVE BILL 65. By R. Lewis

Jan. 7	Title	10
Jan. 13	Notice of hearing	199
Jan. 26	Placed on General File	373
Jan. 28	Attorney General Opinion	428
Feb. 13	Referred for review	672
Feb. 18	Placed on Select File	691
Feb. 19	Referred for engrossment	715
Feb. 23	Correctly engrossed	743
Feb. 26	Final Reading	789

Feb. 27	Correctly enrolled.	818
Feb. 27	President Signed	819
Mar. 1	Presented to Governor	846
Mar. 3	Approved by Governor	913

LEGISLATIVE BILL 76. By F. Lewis

Jan. 7	Title	10
Jan. 9	Referred for review	148
Jan. 23	Placed on Select File	341
Jan. 26	Referred for engrossment	365
Jan. 26	Motion to return to Select File for Murphy amendment lost. Duis motion to reconsider lost	366
Jan. 27	Correctly engrossed	391
Jan. 28	Returned to Select File for Murphy amendment	422
Jan. 28	Murphy amendment renewed. Bracketed	423
Jan. 30	Murphy pending amendment lost. Failed to advance for engrossment	472
Feb. 2	Bracketed	503
Feb. 11	Bracketed	634
Mar. 1	Bracketed	856
Mar. 25	Kelly amendment withdrawn. Referred for re-engrossment	1388
Mar. 25	Returned to Select File for F. Lewis amendment	1432
Mar. 25	F. Lewis amendment adopted. Referred for re-engrossment. Motion to return to Select File for Kelly amendment lost	1435
Mar. 29	Correctly re-engrossed	1447
Mar. 30	Returned to Select File for F. Lewis amendment	1500
Mar. 30	F. Lewis amendment adopted. Referred for re-engrossment. Returned to Select File for Kelly amendment. Kelly amendment adopted. Referred for re-engrossment	1501
Mar. 30	Returned to Select File for F. Lewis amendment	1507
Mar. 30	F. Lewis amendment adopted. Referred for re-engrossment. Mahoney motion to return to Select File for amendment lost	1508
Mar. 30	Replaced on Select File	1521
Mar. 30	Referred for re-engrossment. Correctly re-engrossed	1524
Apr. 7	Change of order	1582
Apr. 7	Dickinson motion withdrawn. Final Reading	1596
Apr. 7	Correctly enrolled. President signed	1597
Apr. 7	Presented to Governor	1609
Apr. 14	Approved by Governor	1636

LEGISLATIVE BILL 84. By Barnett
Jan. 7 Title 10
Feb. 27 Placed on General File 841
Apr. 7 Indefinitely postponed 1555

LEGISLATIVE BILL 89. By Moylan
Jan. 7 Title 10
Apr. 7 Indefinitely postponed 1555

LEGISLATIVE BILL 91. By Simpson
Jan. 7 Title 10
Jan. 19 Bracketed 267
Jan. 27 Bereuter amendment adopted. Referred for review . . . 408
Jan. 28 Placed on Select File 435
Jan. 29 Referred for engrossment 451
Feb. 2 Correctly engrossed 503
Feb. 5 Final Reading 553
Feb. 6 Correctly enrolled. President signed 574
Feb. 9 Presented to Governor 588
Feb. 10 Approved by Governor 617

LEGISLATIVE BILL 120. By Koch.
Jan. 7 Title 11
Jan. 7 Bracketed 119
Jan. 9 Koch amendment printed 159
Jan. 15 Koch pending amendment adopted. F. Lewis amendment adopted. Referred for review 235
Jan. 29 Placed on Select File 438
Jan. 30 Referred for engrossment 474
Feb. 2 Correctly engrossed 503
Feb. 5 Final Reading 553

LEGISLATIVE BILL 124. By Keyes
Jan. 7 Title 11
Apr. 7 Indefinitely postponed 1555

LEGISLATIVE BILL 144. By Rasmussen
Jan. 7 Title 11
Jan. 12 Indefinitely postponed 178

LEGISLATIVE BILL 146. By Koch
Jan. 7 Title 11
Jan. 27 Notice of hearing 410
Feb. 20 Indefinitely postponed 729

LEGISLATIVE BILL 147. By Murphy

Jan. 7	Title	11
Jan. 15	Attorney General Opinion	236
Feb. 27	Indefinitely postponed	829

LEGISLATIVE BILL 148. By Goodrich

Jan. 7	Title	11
Jan. 20	Motion to indefinitely postpone lost. Re-referred to Committee on Education	282
Jan. 30	Notice of hearing	484
Mar. 25	Indefinitely postponed	1418

LEGISLATIVE BILL 154. By Nichol

Jan. 7	Title	12
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 159. By Public Health and Welfare Committee

Jan. 7	Title	12
Feb. 6	Indefinitely postponed	580

LEGISLATIVE BILL 161. By Wiltse

Jan. 7	Title	12
Feb. 25	Placed on General File	784
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 167. By F. Lewis

Jan. 7	Title	12
Jan. 7	Bracketed	125
Mar. 1	Bracketed. Motion to unbracket lost	861
Mar. 1	Chambers amendment printed	863
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 174. By Burbach

Jan. 7	Title	12
Jan. 8	Laid over	135
Jan. 8	Bracketed	139
Feb. 11	Burbach amendments printed	638
Feb. 12	Burbach pending amendments adopted. Referred for review	653
Feb. 17	Placed on Select File	679
Feb. 18	Referred for engrossment	697
Feb. 19	Correctly engrossed	713
Feb. 24	Final Reading	763
Feb. 25	Correctly enrolled. Speaker signed	776
Feb. 26	Presented to Governor	788
Mar. 2	Approved by Governor	869

LEGISLATIVE BILL 175. By Fowler

Jan.	7	Title	13
Jan.	7	Bracketed	112
Jan.	9	Fowler amendments printed	146
Jan.	12	Fowler pending amendments withdrawn. Fowler new amendment adopted. Referred for engrossment	166
Jan.	22	Replaced on Select File	325
Jan.	23	Referred for engrossment	345
Jan.	26	Correctly engrossed	363
Jan.	29	Final Reading	441
Jan.	29	Explanation of vote	445
Jan.	29	Correctly enrolled	452
Jan.	30	President signed	455
Jan.	30	Presented to Governor	468
Feb.	4	Approved by Governor	528

LEGISLATIVE BILL 176. By Fowler

Jan.	7	Title	13
Jan.	7	Bracketed	124
Feb.	12	Kelly and Fowler amendments adopted. Referred for review	650
Feb.	17	Placed on Select File	678
Feb.	18	Bracketed	697
Mar.	4	Goodrich amendment offered. Bracketed	927
Mar.	18	Goodrich pending amendment adopted. Kelly and Fowler amendments adopted. Referred for engrossment	1202
Mar.	18	Replaced on Select File	1227
Mar.	19	Referred for engrossment	1249
Mar.	22	Correctly engrossed	1265
Mar.	25	Final Reading	1373
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 177. By Luedtke

Jan.	7	Title	13
Jan.	7	Bracketed	125
Jan.	22	Referred for review	327
Jan.	27	Placed on Select File	382
Jan.	28	Referred for engrossment	428
Jan.	29	Replaced on Select File	438
Jan.	30	Referred for engrossment	474
Feb.	2	Correctly engrossed	503
Feb.	5	Final Reading	555
Feb.	6	Correctly enrolled. President signed	574

Feb. 9	Presented to Governor	588
Feb. 10	Returned by Governor without approval	618
Feb. 13	Motion to override pending	667
Feb. 17	Pending motion withdrawn	681

LEGISLATIVE BILL 178. By Stoney

Jan. 7	Title	13
Mar. 18	Indefinitely postponed	1227

LEGISLATIVE BILL 180. By Burbach, Carsten

Jan. 7	Title	13
Jan. 12	Bracketed	166
Feb. 3	Final Reading	515
Feb. 4	Correctly enrolled. President signed	534
Feb. 5	Presented to Governor	552
Feb. 11	Approved by Governor	637

LEGISLATIVE BILL 180A. By Burbach, Carsten

Jan. 7	Title	13
Jan. 13	Bracketed	197
Jan. 14	Unbracketed. Burbach amendment adopted. Skarda pending motion to indefinitely postpone withdrawn. Referred for review	229
Jan. 26	Placed on Select File	362
Jan. 28	Dickinson amendment lost. Referred for engrossment	426
Jan. 29	Correctly engrossed	452
Feb. 3	Final Reading	518
Feb. 4	Correctly enrolled. President signed	534
Feb. 5	Presented to Governor	552
Feb. 11	Approved by Governor	637

LEGISLATIVE BILL 182. By Kelly

Jan. 7	Title	14
Jan. 14	Notice of hearing	206
Feb. 20	Placed on General File	733
Feb. 27	Bracketed	828
Mar. 24	Referred for review	1355
Mar. 29	Placed on Select File	1443
Mar. 29	Referred for engrossment	1449
Mar. 29	Correctly engrossed	1477
Mar. 31	Final Reading. Held in possession of Legislature	1528
Apr. 7	Motion to reconsider lost	1597
Apr. 7	Correctly enrolled. President signed	1598
Apr. 7	Presented to Governor	1607
Apr. 14	Returned by Governor without approval	1636
Apr. 14	Message from the Governor	1637

LEGISLATIVE BILL 197. By Hasebroock

Jan.	7	Title	14
Jan.	14	Warner motion to indefinitely postpone pending. Bracketed	225
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 202. By Burbach

Jan.	7	Title	14
Jan.	13	Bracketed	197
Jan.	14	Unbracketed. Burbach amendment adopted. Referred for review	230
Jan.	20	Warner amendment printed	304
Jan.	26	Placed on Select File	362
Jan.	28	Warner pending amendment adopted. Stull motion to indefinitely postpone pending	426
Jan.	30	Laid over	473
Feb.	2	Bracketed	503
Feb.	5	Stull pending motion renewed. Bracketed	569
Feb.	9	Attorney General Opinion	590
Feb.	11	Warner amendment printed	633
Feb.	12	Bracketed	645
Mar.	29	Stull and Warner amendments withdrawn. DeCamp amendment offered	1448
Mar.	30	Bracketed	1498
Apr.	7	Burbach amendment adopted. Referred for engrossment	1557
Apr.	7	Correctly engrossed	1581
Apr.	9	Final Reading	1625
Apr.	9	Correctly enrolled. President signed. Presented to Governor	1632
Apr.	14	Approved by Governor	1636

LEGISLATIVE BILL 202A. By Burbach

Jan.	28	Read first time. Placed on General File	426
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 204. By DeCamp

Jan.	7	Title	14
Jan.	8	Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Bracketed	129
Jan.	14	Bracketed	211
Jan.	15	Bracketed	233
Feb.	6	Referred for engrossment	575
Feb.	11	Attorney General Opinion	625
Feb.	11	Bracketed	627
Mar.	17	DeCamp amendment printed	1191
Mar.	18	Unbracketed	1220

Mar. 18	Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Referred for engrossment	1221
Mar. 18	Goodrich motion to return to Select File for amendment lost	1222
Mar. 18	Kelly motion to return to Select File for amendment lost	1225
Mar. 18	Returned to Select File for Stoney amendment	1226
Mar. 18	Stoney pending amendment adopted. Referred for engrossment	1227
Mar. 18	Returned to Select File for Cavanaugh amendment. Cavanaugh amendment adopted. Referred for engrossment	1228
Mar. 18	Koch motion to return to Select File for amendment lost	1229
Mar. 19	Replaced on Select File	1247
Mar. 22	Referred for engrossment	1272
Mar. 24	Correctly engrossed	1337
Mar. 30	Final Reading	1512
Mar. 30	Correctly enrolled. President signed	1515
Mar. 30	Presented to Governor	1520
Apr. 7	Approved by Governor	1557

LEGISLATIVE BILL 210. By Dickinson

Jan. 7	Title	14
Jan. 13	Bracketed	197
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 219. By Swigart

Jan. 7	Title	14
Jan. 7	Laid over	124
Jan. 13	Referred for review	200
Jan. 23	Placed on Select File	351
Jan. 26	Referred for engrossment	366
Jan. 28	Correctly engrossed	417
Feb. 2	Final Reading	489
Feb. 3	Correctly enrolled. President signed	512
Feb. 4	Presented to Governor	533
Feb. 9	Approved by Governor	587

LEGISLATIVE BILL 225. By Kelly

Jan. 7	Title	14
Jan. 8	Bracketed	135
Jan. 13	Bracketed	197
Jan. 16	Kelly amendment lost. Indefinitely postponed	257

LEGISLATIVE BILL 228. By Schmit

Jan.	7	Title	15
Jan.	28	Indefinitely postponed	424

LEGISLATIVE BILL 232. By Keyes

Jan.	7	Title	15
Jan.	7	Indefinitely postponed	125

LEGISLATIVE BILL 239. By Public Health and Welfare Committee

Jan.	7	Title	15
Jan.	12	Bracketed	166
Feb.	23	Bracketed	747
Feb.	23	Held on Final Reading	752
Mar.	1	Cavanaugh motion to return to Select File for amendment lost. Motion to bracket lost. Final Reading	851
Mar.	2	Correctly enrolled. President signed	869
Mar.	3	Presented to Governor	898
Mar.	9	Approved by Governor	999

LEGISLATIVE BILL 248. By Burbach

Jan.	7	Title	15
Jan.	12	Bereuter amendment adopted. Referred for review	180
Jan.	16	Barnett amendments printed	246
Jan.	21	Bereuter amendments printed	317
Jan.	23	Placed on Select File	350
Jan.	26	Considered. Laid over	365
Jan.	27	Barnett pending amendment renewed. Laid over	397
Jan.	28	Barnett pending amendment adopted. Bereuter pending amendment renewed. Cavanaugh and F. Lewis amendments printed	423
Jan.	29	Cavanaugh pending amendment adopted. Bereuter pending amendment lost. F. Lewis amendment withdrawn. Cavanaugh and F. Lewis amendments lost. F. Lewis amendment adopted. Laid over	442
Jan.	29	Cavanaugh and Keyes amendments lost. F. Lewis motion to indefinitely postpone pending	450
Jan.	30	F. Lewis pending motion lost. Cavanaugh amendment lost. Referred for engrossment	463
Feb.	3	Replaced on Select File	510
Feb.	4	Referred for engrossment	542
Feb.	5	Correctly engrossed	552
Feb.	10	Koch motion to return to Select File for amendment lost	611
Feb.	10	Final Reading	613
Feb.	11	Correctly enrolled. President signed	625

Feb.	12	Presented to Governor	647
Feb.	20	Approved by Governor	727

LEGISLATIVE BILL 250. By Simpson

Jan.	7	Title	15
Jan.	22	Notice of hearing	332
Feb.	27	Indefinitely postponed	836

LEGISLATIVE BILL 265. By Public Works Committee

Jan.	7	Title	15
Jan.	7	Laid over	123
Jan.	14	Kremer amendment adopted. Goodrich amendment lost. Referred for review	228
Jan.	26	Placed on Select File	361
Jan.	27	Referred for engrossment	399
Jan.	28	Correctly engrossed	435
Feb.	2	Bracketed	489
Mar.	29	DeCamp motion to return to Select File for amendment pending	1474
Mar.	30	DeCamp pending motion withdrawn. Unbracketed	1519
Mar.	30	Final Reading	1520
Mar.	30	Correctly enrolled. President signed	1521
Mar.	31	Presented to Governor	1525
Apr.	7	Approved by Governor	1557

LEGISLATIVE BILL 266. By Carsten

Jan.	7	Title	16
Jan.	9	Marsh amendment printed	155
Jan.	12	Carsten amendment printed	182
Jan.	19	Marsh pending amendment withdrawn. Laid over	267
Jan.	19	Marsh amendment adopted. Carsten pending amendment withdrawn. Cavanaugh and Barnett amendments lost. Referred for review	268
Jan.	27	Placed on Select File	381
Jan.	28	Referred for engrossment	427
Jan.	29	Replaced on Select File	449
Jan.	30	Referred for engrossment	474
Feb.	2	Correctly engrossed	503
Feb.	5	Chambers motion to return to Select File for amendment lost. Final Reading	557
Feb.	6	Correctly enrolled. President signed	574
Feb.	9	Presented to Governor	588
Feb.	17	Approved by Governor	676

LEGISLATIVE BILL 268. By Executive Board
Jan. 7 Title . . . 16
Feb. 20 Indefinitely postponed . . . 729

LEGISLATIVE BILL 272. By Swigart
Jan. 7 Title . . . 16
Jan. 7 Bracketed . . . 120
Jan. 9 Unbracketed. Indefinitely postponed . . . 146

LEGISLATIVE BILL 275. By Judiciary Committee
Jan. 7 Title . . . 16
Jan. 7 Referred for review . . . 124
Jan. 9 Clark amendments printed . . . 149
Jan. 12 Placed on Select File . . . 170
Jan. 13 Clark amendment pending. Bracketed . . . 189
Jan. 15 Clark pending amendment withdrawn. Clark amendment printed . . . 233
Jan. 16 Laid over . . . 248
Jan. 19 Clark amendments adopted. Referred for engrossment . . . 261
Jan. 22 Replaced on Select File . . . 326
Jan. 26 Referred for engrossment . . . 363
Jan. 27 Correctly engrossed . . . 391
Jan. 30 Final Reading . . . 458
Jan. 30 Explanation of vote . . . 464
Feb. 2 Correctly enrolled. President signed . . . 503
Feb. 2 Bill held. Returned to Select File for Luedtke amendment. Luedtke amendment adopted. Referred for re-engrossment . . . 504
Feb. 3 Correctly re-engrossed . . . 511
Feb. 6 Final Reading . . . 572
Feb. 9 Correctly enrolled. President signed . . . 588
Feb. 10 Presented to Governor . . . 609
Feb. 17 Approved by Governor . . . 676

LEGISLATIVE BILL 275A. By Judiciary Committee
Jan. 7 Title . . . 16
Jan. 7 Bracketed . . . 124
Jan. 13 Bracketed . . . 198
Jan. 30 Unbracketed. Indefinitely postponed . . . 472

LEGISLATIVE BILL 280. By Judiciary Committee
Jan. 7 Title . . . 16
Jan. 13 Bracketed . . . 198
Apr. 7 Indefinitely postponed . . . 1555

LEGISLATIVE BILL 296. By Judiciary Committee

Jan. 7	Title	17
Jan. 12	Notice of hearing	182
Jan. 30	Placed on General File	467
Mar. 5	Referred for review	940
Mar. 8	Placed on Select File	982
Mar. 9	Referred for engrossment	1013
Mar. 10	Correctly engrossed	1044
Mar. 29	Final Reading	1460
Mar. 29	Explanation of vote	1476
Mar. 29	Correctly enrolled. President signed	1477
Mar. 29	Presented to Governor	1481
Mar. 30	Explanation of vote	1488
Mar. 30	Approved by Governor	1502

LEGISLATIVE BILL 299. By Kennedy

Jan. 7	Title	17
Jan. 7	Unbracketed	118
Jan. 9	F. Lewis amendment withdrawn. Barnett motion to indefinitely postpone withdrawn	155
Jan. 9	Motions. Motions lost. Referred for review	162
Jan. 16	Kennedy amendment printed	251
Jan. 23	Placed on Select File	341
Jan. 26	Referred for engrossment	365
Jan. 28	Correctly engrossed	417
Feb. 2	Returned to Select File for Kennedy amendment	489
Feb. 2	Kennedy amendment adopted. Referred for re-engrossment	504
Feb. 3	Correctly re-engrossed	511
Feb. 6	Final Reading	573
Feb. 9	Correctly enrolled. President signed	588
Feb. 10	Presented to Governor	609
Feb. 11	Approved by Governor	637

LEGISLATIVE BILL 310. By Dworak

Jan. 7	Title	17
Jan. 8	Bracketed	138
Jan. 13	Bracketed	198
Jan. 16	F. Lewis amendment lost. F. Lewis motion to indefinitely postpone lost. Referred for review	258
Jan. 27	Placed on Select File	380
Jan. 28	Referred for engrossment	427
Jan. 29	Correctly engrossed	452
Feb. 3	Final Reading. Motion. Reconsidered	517

Feb.	4	Correctly enrolled. President signed	534
Feb.	5	Presented to Governor	552
Feb.	9	Approved by Governor	588

LEGISLATIVE BILL 313. By Cavanaugh

Jan.	7	Title	17
Jan.	19	Bracketed	267
Feb.	6	Bracketed	578
Feb.	13	Cavanaugh amendment offered. F. Lewis amendment lost. Cavanaugh amendment withdrawn. Bracketed	659
Feb.	18	Cavanaugh amendments printed	702
Feb.	19	Cavanaugh pending amendment adopted. Dickinson, Stoney and Bereuter amendments adopted. Referred for review	720
Feb.	23	Placed on Select File	741
Feb.	24	Bracketed	766
Mar.	22	Cavanaugh amendments printed	1289
Mar.	25	Cavanaugh amendments adopted. Referred for engrossment	1388
Mar.	25	Replaced on Select File	1428
Mar.	25	Referred for engrossment	1430
Mar.	29	Replaced on Select File	1443
Mar.	29	Referred for engrossment	1449
Mar.	29	Correctly engrossed	1477
Mar.	31	Final Reading	1529
Mar.	31	Correctly enrolled	1538
Mar.	31	President signed	1539
Mar.	31	Presented to Governor	1548
Apr.	7	Approved by Governor	1560

LEGISLATIVE BILL 314. By Keyes

Jan.	7	Title	17
Feb.	27	Indefinitely postponed	837

LEGISLATIVE BILL 319. By Agriculture and Environment Committee

Jan.	7	Title	18
Mar.	5	Indefinitely postponed	945

LEGISLATIVE BILL 326. By Cavanaugh

Jan.	7	Title	18
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 329. By Public Works Committee

Jan.	7	Title	18
Jan.	7	Dickinson amendments adopted. Laid over	107

Jan. 8	Dickinson amendment reconsidered. Dickinson and Stull amendments lost. Referred for engrossment	130
Jan. 12	Replaced on Select File	170
Jan. 13	Referred for engrossment	189
Jan. 23	Correctly engrossed	342
Jan. 28	Final Reading	417
Jan. 29	Correctly enrolled	440
Jan. 30	President signed	455
Jan. 30	Presented to Governor	468
Feb. 4	Approved by Governor	528

LEGISLATIVE BILL 332. By Agriculture and Environment Committee

Jan. 7	Title	18
Feb. 25	Placed on General File	778
Mar. 24	Schmit amendment pending	1338
Mar. 24	Schmit amendment renewed. Mills amendment lost. Schmit amendment adopted. Mills amendment lost. Referred for review	1341
Mar. 25	Placed on Select File	1396
Mar. 25	Referred for engrossment	1399
Mar. 29	Correctly engrossed	1447
Mar. 30	Returned to Select File for Schmit amendment. Schmit amendment adopted. Referred for re-engrossment	1499
Mar. 30	Replaced on Select File	1521
Mar. 30	Referred for re-engrossment. Correctly re-engrossed	1524
Apr. 7	Final Reading	1582
Apr. 7	Correctly enrolled. President signed	1586
Apr. 7	Presented to Governor	1589
Apr. 14	Approved by Governor	1636

LEGISLATIVE BILL 332A. By Agriculture and Environment Committee

Mar. 18	Read first time. Placed on General File	1230
Mar. 24	Referred for review	1341
Mar. 25	Placed on Select File	1396
Mar. 25	Referred for engrossment	1399
Mar. 29	Correctly engrossed	1447
Apr. 7	Final Reading	1583
Apr. 7	Correctly enrolled. President signed	1586
Apr. 7	Presented to Governor	1589
Apr. 14	Approved by Governor. Line-item veto	1636
Apr. 14	Message from the Governor	1637

LEGISLATIVE BILL 338. By Judiciary Committee

Jan.	7	Title	18
Feb.	2	Indefinitely postponed	507

LEGISLATIVE BILL 339. By Cope

Jan.	7	Title	19
Jan.	12	Cope amendments printed	171
Jan.	14	Cope amendment renewed. F. Lewis amendment adopted. Maresh amendment lost. Cope amendment adopted. Cavanaugh and Fitzgerald amendments lost. Referred for review	211
Jan.	26	Placed on Select File	361
Jan.	27	Referred for engrossment	399
Jan.	28	Replaced on Select File	414
Jan.	29	Referred for engrossment	451
Jan.	30	Rasmussen motion to return to Select File for amendment lost	479
Feb.	2	Correctly engrossed	503
Feb.	5	Cavanaugh and Mills motions to return to Select File for amendments lost	558
Feb.	5	Final Reading	559
Feb.	6	Correctly enrolled. President signed	574
Feb.	9	Presented to Governor	588
Feb.	13	Motion. Return to Legislature	657
Feb.	13	Returned to Legislature	666
Feb.	17	Held by Legislature	680
Feb.	26	DeCamp motion to reconsider prevailed	797
Mar.	1	Laid over	853
Mar.	3	Final Reading	898

LEGISLATIVE BILL 343. By Kremer

Jan.	7	Title	19
Jan.	7	Mills amendment lost. Rasmussen motion lost. Referred for review	120
Jan.	12	Indefinitely postponed	172

LEGISLATIVE BILL 346. By Fowler

Jan.	7	Title	19
Jan.	7	Bracketed	125
Jan.	27	Bracketed	409
Feb.	6	Bracketed	584
Feb.	19	Indefinitely postponed	721

LEGISLATIVE BILL 348. By Wiltse

Jan.	7	Title	19
Jan.	8	Mills amendment adopted. Barnett motion to indefinitely postpone lost. Keyes amendment lost. Bracketed	134

Jan.	13	Bracketed	198
Jan.	14	Barnett motion to indefinitely postpone lost. Referred for review	226
Jan.	26	Placed on Select File	361
Jan.	27	Referred for engrossment	399
Jan.	28	Correctly engrossed	435
Feb.	2	Bracketed	489
Feb.	3	Wiltse amendment printed	513
Feb.	4	Returned to Select File for Wiltse amendment	534
Feb.	4	Wiltse pending amendment adopted. Referred for re-engrossment	541
Feb.	5	Correctly re-engrossed	552
Feb.	10	Barnett motion to return to Select File lost	613
Feb.	10	Final Reading	614

LEGISLATIVE BILL 350. By Murphy

Jan.	7	Title	19
Jan.	7	Referred for review	119
Jan.	12	Motion. Returned to General File. Indefinitely postponed	168

LEGISLATIVE BILL 358. By Simpson

Jan.	7	Title	19
Feb.	4	Indefinitely postponed	533

LEGISLATIVE BILL 362. By Burrows

Jan.	7	Title	19
Jan.	14	Indefinitely postponed	211

LEGISLATIVE BILL 364. By Duis

Jan.	7	Title	20
Mar.	18	Indefinitely postponed	1227

LEGISLATIVE BILL 372. By Barnett

Jan.	7	Title	20
Jan.	7	Bracketed	119
Jan.	12	Unbracketed. Indefinitely postponed	168

LEGISLATIVE BILL 373. By Barnett

Jan.	7	Title	20
Jan.	29	Indefinitely postponed	446

LEGISLATIVE BILL 382. By Duis, Kremer

Jan	7	Title	20
Jan.	13	Burbach amendment printed	196
Jan.	13	Bracketed	198

Jan.	15	Duis and Burbach amendments pending. Burrows amendment withdrawn	240
Jan.	16	Burbach pending amendment lost. Duis pending amendment adopted. Referred for review	248
Jan.	27	Placed on Select File	379
Jan.	28	Referred for engrossment	427
Jan.	30	Correctly engrossed	468
Feb.	4	Final Reading	534
Feb.	5	Correctly enrolled	552
Feb.	5	President signed	553
Feb.	6	Presented to Governor	575
Feb.	10	Approved by Governor	617

LEGISLATIVE BILL 383. By Kremer

Jan.	7	Title	20
Jan.	14	Bracketed	211
Jan.	20	Dworak amendments printed	292
Jan.	23	Dworak amendment adopted. Dworak pending amendment withdrawn. Bereuter and Rasmussen amendments lost. Kremer amendment adopted. Referred for engrossment	347
Jan.	23	Explanation of vote	350
Jan.	26	Replaced on Select File	371
Jan.	27	Referred for engrossment	405
Jan.	28	Correctly engrossed	435
Feb.	2	Kelly motion to return to Select File for amendment lost	489
Feb.	2	Final Reading	490
Feb.	3	Correctly enrolled. President signed	512
Feb.	4	Presented to Governor	533
Feb.	5	Approved by Governor	563

LEGISLATIVE BILL 385. By Savage

Jan.	7	Title	21
Jan.	28	Indefinitely postponed	424

LEGISLATIVE BILL 386. By Savage

Jan.	7	Title	21
Jan.	7	Anderson pending amendment adopted. Referred for engrossment	111
Jan.	12	Replaced on Select File	169
Jan.	13	Referred for engrossment	189
Jan.	23	Correctly engrossed	342
Jan.	28	Final Reading	418
Jan.	29	Correctly enrolled	440
Jan.	30	President signed	455
Jan.	30	Presented to Governor	468
Feb.	4	Approved by Governor	528

LEGISLATIVE BILL 388. By Stull, Cope

Jan.	7	Title	21
Jan.	13	Bracketed	198
Jan.	20	Koch pending motion withdrawn. Bracketed	280
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 390. By Stull

Jan.	7	Title	21
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 394. By Murphy

Jan.	7	Title	21
Jan.	7	Laid over	112
Jan.	8	Bracketed	134
Jan.	13	Bracketed	190
Jan.	15	Bracketed	235
Mar.	1	Bracketed	856
Mar.	25	Bracketed	1388
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 398. By Schmit

Jan.	7	Title	21
Jan.	20	Indefinitely postponed	287
Jan.	21	Explanation of vote	316

LEGISLATIVE BILL 399. By Schmit

Jan.	7	Title	22
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 405. By Agriculture and Environment Committee

Jan.	7	Title	22
Jan.	22	Schmit motion to withdraw laid over	327
Jan.	26	Withdrawn	375

LEGISLATIVE BILL 405A. By Agriculture and Environment Committee

Jan.	7	Title	22
Jan.	22	Schmit motion to withdraw laid over	327
Jan.	26	Withdrawn	375

LEGISLATIVE BILL 409. By Carsten

Jan.	7	Title	22
Jan.	7	Laid over	112
Jan.	8	Bracketed	134
Jan.	13	Bracketed	190
Jan.	19	Goodrich motion to indefinitely postpone lost. Explanation of vote. Motion to refer for engrossment lost	262

Jan. 21 Bracketed 314
Mar. 15 Unbracketed. Dworak amendment lost.
Goodrich motion to indefinitely
postpone pending 1119
Mar. 16 Indefinitely postponed 1139
Mar. 16 Explanation of vote 1142

LEGISLATIVE BILL 411. By Miscellaneous Subjects Committee
Jan. 7 Title 22
Jan. 28 Indefinitely postponed 424

LEGISLATIVE BILL 412. By Miscellaneous Subjects Committee
Jan. 7 Title 22
Jan. 8 Laid over 135
Jan. 12 Referred for review 180
Jan. 16 DeCamp amendments printed 254
Jan. 23 Placed on Select File 342
Jan. 26 Laid over 365
Jan. 27 Bracketed 384
Jan. 27 Anderson amendment printed 390
Jan. 29 DeCamp pending amendment lost. Cavanaugh
motion to indefinitely postpone pending 442
Jan. 30 Indefinitely postponed 473
Jan. 30 Anderson amendment printed 475

LEGISLATIVE BILL 413. By Miscellaneous Subjects Committee
Jan. 7 Title 23
Jan. 8 Referred for review 136
Jan. 16 DeCamp amendments printed 255
Jan. 22 Placed on Select File 326
Jan. 26 Laid over 363
Jan. 27 DeCamp amendment pending. Bracketed.
Anderson amendment printed 384
Jan. 29 DeCamp pending amendment adopted. Anderson pending
amendment adopted. Cavanaugh amendment
adopted. Referred for engrossment 442
Feb. 2 Replaced on Select File 487
Feb. 3 Referred for engrossment. Returned to Select
File for Anderson amendment. Anderson
amendment adopted. Referred for
engrossment 522
Feb. 4 Replaced on Select File 534
Feb. 5 Referred for engrossment 568
Feb. 6 Correctly engrossed 574
Feb. 11 Final Reading 628
Feb. 12 Correctly enrolled. President signed 647
Feb. 13 Presented to Governor 657
Feb. 19 Approved by Governor 712

LEGISLATIVE BILL 425. By Chambers

Jan.	7	Title	23
Jan.	13	Referred for engrossment. Returned to Select File for Chambers amendment. Chambers amendment adopted. Referred for engrossment	191
Jan.	22	Replaced on Select File	325
Jan.	23	Referred for engrossment. Returned to Select File for Murphy amendment	345
Jan.	23	Murphy amendment adopted. Referred for engrossment	346
Jan.	26	Replaced on Select File	371
Jan.	27	Referred for engrossment	405
Jan.	28	Correctly engrossed	435
Feb.	2	Final Reading	490
Feb.	3	Correctly enrolled. President signed	512
Feb.	4	Presented to Governor	533
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 426. By Telecommunications Committee

Jan.	7	Title	23
Jan.	30	Placed on General File	467
Feb.	20	Referred for review	732
Feb.	24	Placed on Select File	761
Feb.	25	Referred for engrossment	782
Feb.	26	Correctly engrossed	788
Mar.	2	Final Reading	874
Mar.	2	Explanation of vote	882
Mar.	3	Correctly enrolled. President signed	899
Mar.	4	Presented to Governor	926
Mar.	9	Approved by Governor	999

LEGISLATIVE BILL 431. By Chambers

Jan.	7	Title	23
Jan.	8	Referred for review	137
Jan.	22	Placed on Select File	326
Jan.	26	Laid over	364
Jan.	26	Burrows amendment adopted. Bracketed	367
Jan.	28	Stull amendments printed	432
Jan.	29	Unbracketed	451
Jan.	30	Stull pending amendment adopted. Referred for engrossment	475
Feb.	3	Replaced on Select File	511
Feb.	4	Attorney General Opinion	529
Feb.	4	Referred for engrossment	543
Feb.	6	Correctly engrossed	574

Feb.	11	Final Reading	629
Feb.	12	Correctly enrolled. President signed	647
Feb.	13	Presented to Governor	657
Feb.	19	Approved by Governor	712

LEGISLATIVE BILL 432. By Chambers

Jan.	7	Title	23
Jan.	8	Referred for review	137
Jan.	22	Placed on Select File	326
Jan.	26	Bracketed	364
Jan.	26	Unbracketed. Motion to bracket pending	369
Jan.	27	Pending motion to bracket lost. Chambers amendment pending. Goodrich amendment lost	385
Jan.	27	Chambers pending amendment adopted. Referred for engrossment	397
Jan.	28	Replaced on Select File	435
Jan.	29	Referred for engrossment	451
Jan.	30	Replaced on Select File	456
Feb.	2	Referred for engrossment	504
Feb.	3	Correctly engrossed	511
Feb.	6	Returned to Select File for Kime amendment	574
Feb.	6	Kime amendment pending	575
Feb.	9	Kime pending amendment lost. Referred for re-engrossment	593
Feb.	9	Returned to Select File for Chambers amendment	594
Feb.	9	Chambers pending amendment adopted. Referred for re-engrossment. DeCamp motion to return to Select File for amendment lost	595
Feb.	10	Replaced on Select File	609
Feb.	11	Referred for re-engrossment	634
Feb.	12	Correctly re-engrossed	647
Feb.	18	Final Reading	693
Feb.	20	DeCamp motion to reconsider pending	737
Feb.	26	DeCamp pending motion to reconsider lost	797

LEGISLATIVE BILL 433. By Agriculture and Environment Committee

Jan.	7	Title	24
Jan.	22	Bracketed	327
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 434. By Agriculture and Environment Committee

Jan.	7	Title	24
Jan.	22	Bracketed	327
Feb.	6	Bracketed	576
Feb.	20	Fowler pending amendment adopted. Referred for review	728

Feb. 24	Placed on Select File	760
Feb. 25	Goodrich amendment offered. Bracketed	782
Mar. 19	Goodrich pending amendment withdrawn. Schmit amendment offered	1240
Mar. 19	Portion of Schmit amendments acted on by division of the question. Kelly amendment lost. Burrows amendment pending	1244
Mar. 19	Burrows pending amendment lost. Cavanaugh amendment adopted. Chambers amendment lost. Portion of Schmit amendment adopted. Chambers amendment withdrawn. Luedtke amendment adopted. Cavanaugh amendment lost. DeCamp amendment adopted. Chambers amendment lost. Schmit amendment pending.	1249
Mar. 19	Portion of Schmit amendment renewed. Cavanaugh amendment pending	1257
Mar. 22	Cavanaugh pending amendment lost	1279
Mar. 22	Portions of Schmit amendment adopted. Burrows amendment lost. Chambers and Schmit amendments adopted. Chambers amendment lost. Chambers and Cavanaugh amendments lost. Schmit amendment adopted. Luedtke, Chambers and DeCamp amendments adopted. Dworak amendments lost	1280
Mar. 22	Chambers motion to indefinitely postpone withdrawn. Motion to bracket lost. Referred for engrossment	1292
Mar. 24	Chambers amendments printed	1335
Mar. 25	Replaced on Select File	1392
Mar. 25	Referred for engrossment	1399
Mar. 25	Returned to Select File for Dworak amendment	1421
Mar. 25	Dworak amendment adopted. Referred for engrossment	1422
Mar. 25	Returned to Select File for Chambers amendment. Chambers amendment adopted. Referred for engrossment. Chambers motion to return to Select File for amendment lost	1423
Mar. 29	Replaced on Select File	1442
Mar. 29	Referred for engrossment	1448
Mar. 29	Correctly engrossed	1477
Mar. 31	Chambers motion to return to Select File for amendment lost	1529
Mar. 31	Final Reading	1530
Mar. 31	Correctly enrolled	1538
Mar. 31	President signed	1539
Mar. 31	Presented to Governor	1548
Apr. 7	Approved by Governor	1581

LEGISLATIVE BILL 440. By Urban Affairs Committee

Jan.	7	Title	24
Jan.	9	Referred for review	148
Jan.	22	Placed on Select File	334
Jan.	26	Referred for engrossment	364
Jan.	27	Correctly engrossed	391
Jan.	30	Final Reading	459
Feb.	2	Correctly enrolled. President signed	503
Feb.	3	Presented to Governor	510
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 441. By Urban Affairs Committee

Jan.	7	Title	24
Jan.	9	Laid over	148
Jan.	12	Referred for review	180
Jan.	23	Placed on Select File	342
Jan.	26	Referred for engrossment	365
Jan.	27	Replaced on Select File	379
Jan.	28	Referred for engrossment	428
Jan.	30	Correctly engrossed	468
Feb.	4	Final Reading	535
Feb.	5	Correctly enrolled	552
Feb.	5	President signed	553
Feb.	6	Presented to Governor	575
Feb.	11	Approved by Governor	637

LEGISLATIVE BILL 442. By Appropriations Committee

Jan.	7	Title	24
Jan.	23	Placed on General File	353
Feb.	6	Referred for review	578
Feb.	10	Placed on Select File	611
Feb.	11	Referred for engrossment	634
Feb.	12	Correctly engrossed	647
Feb.	18	Final Reading	694
Feb.	19	Correctly enrolled. President signed	713
Feb.	20	Presented to Governor	727
Feb.	24	Approved by Governor	760

LEGISLATIVE BILL 444. By Urban Affairs Committee

Jan.	7	Title	25
Jan.	9	Bracketed	154
Jan.	13	Bracketed	198
Feb.	18	Bracketed	701
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 445. By Urban Affairs Committee
Jan. 7 Title 25
Jan. 9 Bracketed 154
Jan. 13 Bracketed 198
Jan. 19 Referred for review 267
Jan. 27 Placed on Select File 380
Jan. 28 Referred for engrossment 427
Jan. 29 Replaced on Select File 438
Jan. 30 Referred for engrossment 473
Feb. 2 Correctly engrossed 503
Feb. 5 Final Reading 560
Feb. 6 Correctly enrolled. President signed 574
Feb. 9 Presented to Governor 588
Feb. 10 Approved by Governor 617

LEGISLATIVE BILL 450. By Anderson
Jan. 7 Title 25
Mar. 3 Indefinitely postponed 897

LEGISLATIVE BILL 451. By Johnson
Jan. 7 Title 25
Jan. 7 Laid over 125
Jan. 14 Keyes motion to indefinitely postpone lost. Failed to advance for review 227
Jan. 20 Bracketed 280
Mar. 1 Laid over 861
Apr. 7 Indefinitely postponed 1555

LEGISLATIVE BILL 454. By Fitzgerald.
Jan. 7 Title 25
Jan. 7 Laid over 125
Jan. 8 Bracketed 138
Jan. 21 Referred for review 320
Jan. 27 Placed on Select File 381
Jan. 28 Referred for engrossment 428
Jan. 29 Correctly engrossed 452
Feb. 3 Laid over 518
Mar. 12 Final Reading 1090
Mar. 12 Correctly enrolled. President signed 1107
Mar. 12 Presented to Governor 1113
Mar. 15 Explanation of vote 1122
Mar. 15 Explanation of vote 1125
Mar. 18 Carsten motion to request Governor to return bill to Legislature prevailed 1217
Mar. 18 Communication 1218
Mar. 30 Presented to Governor 1520

Apr. 7 Returned by Governor without approval, blanket letter ... 1560
Apr. 7 Returned by Governor without approval ... 1566
Apr. 7 Passed over Governor's veto ... 1601
Apr. 7 Communication. Certificate ... 1610
Apr. 9 Letter ... 1623

LEGISLATIVE BILL 454A. By Fitzgerald
Feb. 24 Read first time. Placed on General File ... 768
Mar. 3 Referred for review ... 912
Mar. 5 Placed on Select File ... 938
Mar. 8 Fitzgerald amendment adopted. Referred for engrossment ... 976
Mar. 9 Correctly engrossed ... 1000
Mar. 12 Final Reading ... 1090
Mar. 12 Correctly enrolled. President signed ... 1107
Mar. 12 Presented to Governor ... 1113
Mar. 15 Explanation of vote ... 1122
Mar. 15 Explanation of vote ... 1125
Mar. 18 Carsten motion to request Governor to return bill to Legislature prevailed ... 1217
Mar. 18 Communication ... 1218
Mar. 30 Presented to Governor ... 1520
Apr. 7 Returned by Governor without approval, blanket letter ... 1560
Apr. 7 Returned by Governor without approval ... 1567
Apr. 7 Passed over Governor's veto ... 1607
Apr. 7 Communication ... 1610
Apr. 7 Certificate ... 1611
Apr. 9 Letter ... 1623

LEGISLATIVE BILL 455. By Anderson
Jan. 7 Title ... 25
Jan. 7 Bracketed ... 120
Jan. 13 Indefinitely postponed ... 198

LEGISLATIVE BILL 456. By Bereuter
Jan. 7 Title ... 26
Mar. 18 Indefinitely postponed ... 1227

LEGISLATIVE BILL 458. By Johnson
Jan. 7 Title ... 26
Jan. 14 Bracketed ... 226
Apr. 7 Indefinitely postponed ... 1555

LEGISLATIVE BILL 459. By Kelly

Jan.	7	Title	26
Feb.	25	Indefinitely postponed	784

LEGISLATIVE BILL 460. By Kelly

Jan.	7	Title	26
Jan.	8	Referred for review	137
Jan.	12	Maresh amendment printed	167
Jan.	22	Placed on Select File	333
Jan.	26	Laid over	364
Jan.	26	Kelly and Duis amendments adopted. Maresh pending amendments withdrawn. Maresh amendments adopted. Referred for engrossment	367
Jan.	27	Replaced on Select File	409
Jan.	28	Referred for engrossment	428
Jan.	29	Replaced on Select File	449
Jan.	30	Referred for engrossment	474
Jan.	30	Returned to Select File for Kelly amendment. Kelly amendment adopted. Referred for engrossment	475
Feb.	3	Replaced on Select File	510
Feb.	4	Referred for engrossment	542
Feb.	6	Correctly engrossed	574
Feb.	11	Final Reading	630
Feb.	12	Correctly enrolled. President signed	647
Feb.	13	Presented to Governor	657
Feb.	19	Approved by Governor	712

LEGISLATIVE BILL 462. By DeCamp

Jan.	7	Title	26
Mar.	18	Indefinitely postponed	1227

LEGISLATIVE BILL 464. By DeCamp

Jan.	7	Title	26
Jan.	8	Bracketed	135
Jan.	22	Bracketed	327
Jan.	30	DeCamp amendments printed	475
Feb.	6	Bracketed	578
Feb.	10	DeCamp amendment printed	620
Feb.	13	Bracketed	659
Feb.	20	Laid over	732
Feb.	23	DeCamp motions to reject and adopt Committee amendments lost. DeCamp pending amendments adopted. DeCamp pending amendments withdrawn. DeCamp amendment adopted. Chambers amendments lost. Failed to advance for review	750

Feb.	25	Chambers amendment printed	783
Mar.	2	Barnett amendments printed	894
Mar.	3	Chambers pending amendments renewed. Barnett amendment adopted. DeCamp amendment pending	913
Mar.	4	DeCamp pending amendment adopted. Warner and Chambers amendments adopted. Chambers motion to indefinitely postpone lost	930
Mar.	4	Chambers amendment lost. Chambers amendment pending. DeCamp motion to bracket pending	932
Mar.	5	Bracketed	940
Mar.	5	Chambers amendments printed	942
Mar.	24	Chambers pending amendments withdrawn. DeCamp amendment adopted. Indefinitely postponed	1357
Mar.	24	Reconsidered. Motion to indefinitely postpone lost. Chambers amendment adopted. Referred for review	1359
Mar.	25	Placed on Select File	1429
Mar.	25	Laid over	1430
Mar.	29	DeCamp amendment adopted. Referred for engrossment	1450
Mar.	29	Correctly engrossed	1483
Mar.	31	Final Reading	1531
Mar.	31	Correctly enrolled	1538
Mar.	31	President signed	1539
Mar.	31	Presented to Governor	1548
Apr.	7	Approved by Governor	1558

LEGISLATIVE BILL 465. By DeCamp

Jan.	7	Title	27
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 471. By Appropriations Committee

Jan.	7	Title	27
Feb.	27	Indefinitely postponed	838

LEGISLATIVE BILL 477. By Banking, Commerce and Insurance Committee

Jan.	7	Title	27
Jan.	21	Murphy pending amendment adopted. Chambers motion to indefinitely postpone lost. Referred for engrossment	315
Jan.	23	Replaced on Select File	340
Jan.	26	Referred for engrossment	364
Jan.	27	Correction to Murphy amendment	377
Jan.	28	Replaced on Select File	414
Jan.	29	Referred for engrossment	451

Feb. 2	Correctly engrossed	503
Feb. 5	Chambers motion to return to Select File for amendment lost. Final Reading	554
Feb. 6	Correctly enrolled. President signed	574
Feb. 9	Presented to Governor	588
Feb. 10	Returned by Governor without approval	618
Feb. 13	Swigart motion to override veto pending	667
Feb. 17	Pending motion to override veto failed	680

LEGISLATIVE BILL 478. By Luedtke

Jan. 7	Title	27
Feb. 20	Indefinitely postponed	729

LEGISLATIVE BILL 479. By Judiciary Committee

Jan. 7	Title	27
Feb. 2	Indefinitely postponed	507

LEGISLATIVE BILL 485. By Judiciary Committee

Jan. 7	Title	27
Jan. 8	Referred for review	135
Jan. 12	Placed on Select File	170
Jan. 13	Referred for engrossment. Returned to Select File for E & R amendments. E & R amendments adopted. Referred for engrossment	190
Jan. 23	Correctly engrossed	342
Jan. 28	Final Reading	418
Jan. 29	Correctly enrolled	440
Jan. 30	President signed	455
Jan. 30	Presented to Governor	468
Feb. 9	Approved by Governor	587

LEGISLATIVE BILL 487. By Judiciary Committee

Jan. 7	Title	28
Jan. 7	Referred for review	125
Jan. 12	Placed on Select File	170
Jan. 13	Referred for engrossment	190
Jan. 23	Correctly engrossed	342
Jan. 28	Final Reading	419
Jan. 29	Correctly enrolled	440
Jan. 30	President signed	455
Jan. 30	Presented to Governor	468
Feb. 4	Approved by Governor	528

LEGISLATIVE BILL 488. By Syas

Jan. 7	Title	26
Jan. 13	Bracketed	198
Feb. 3	Bracketed	524
Feb. 13	Bracketed	659
Feb. 18	Indefinitely postponed	701

LEGISLATIVE BILL 491. By Mills

Jan.	7	Title	28
Jan.	7	Failed to advance for engrossment	107
Jan.	8	Referred for engrossment	130
Jan.	23	Correctly engrossed	342
Jan.	26	Bracketed	375
Mar.	8	Bracketed	961
Mar.	8	Mills amendment printed	983
Mar.	15	Mills motion to return to Select File for amendment lost. Final Reading	1116

LEGISLATIVE BILL 495. By Miscellaneous Subjects Committee

Jan.	7	Title	28
Jan.	9	Referred for review	146
Jan.	22	Placed on Select File	334
Jan.	26	Referred for engrossment	364
Jan.	27	Correctly engrossed	391
Jan.	30	Final Reading	460
Feb.	2	Correctly enrolled. President signed	503
Feb.	3	Presented to Governor	510
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 499. By Labor Committee

Jan.	7	Title	28
Jan.	7	Laid over	125
Jan.	13	Bracketed	200
Jan.	20	Referred for review	280
Jan.	27	Placed on Select File	381
Jan.	28	Referred for engrossment	427
Jan.	30	Correctly engrossed	468
Feb.	4	Bracketed	536
Feb.	10	Bracketed	614
Mar.	1	Returned to Select File for Savage amendment	852
Mar.	2	Savage amendment adopted. Indefinitely postponed	879

LEGISLATIVE BILL 502. By Barnett

Jan.	7	Title	29
Jan.	9	Bracketed	154
Jan.	12	Barnett amendments printed	173
Jan.	16	Barnett amendment renewed. DeCamp motion to amend out of order, withdrawn. Barnett amendment adopted. Murphy amendment lost. Referred for review	249
Jan.	27	Placed on Select File	380
Jan.	28	Barnett amendment adopted. Referred for engrossment	427

Jan. 29	Replaced on Select File	438
Jan. 30	Referred for engrossment	473
Feb. 2	Correctly engrossed	503
Feb. 5	Final Reading	561
Feb. 6	Correctly enrolled. President signed	574
Feb. 9	Presented to Governor	588
Feb. 10	Approved by Governor	617

LEGISLATIVE BILL 503. By Fowler

Jan. 7	Title	29
Jan. 9	Referred for review	148
Jan. 23	Placed on Select File	340
Jan. 26	Bracketed	364
Feb. 3	Bracketed	522
Feb. 9	Fowler amendment printed	596
Feb. 10	Fowler pending amendment adopted. Fowler and Chambers amendments adopted. Referred for engrossment	619
Feb. 12	Replaced on Select File	642
Feb. 13	Referred for engrossment	658
Feb. 18	Replaced on Select File	690
Feb. 19	Referred for engrossment	715
Feb. 20	Replaced on Select File	737
Feb. 23	Referred for engrossment	750
Feb. 24	Correctly engrossed	760
Feb. 27	Final Reading	826
Feb. 27	F. Lewis motion to reconsider pending	836
Mar. 1	F. Lewis pending motion prevailed. Final Reading	860
Mar. 2	Correctly enrolled. President signed	869
Mar. 3	Presented to Governor	898
Mar. 9	Approved by Governor	999

LEGISLATIVE BILL 505. By Fowler

Jan. 7	Title	29
Mar. 8	Fowler motion to place on General File pending	994
Mar. 10	Fowler pending motion lost. Indefinitely postponed	1042

LEGISLATIVE BILL 506. By Warner

Jan. 7	Title	29
Jan. 14	Indefinitely postponed	211

LEGISLATIVE BILL 512. By Schmit

Jan. 7	Title	29
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 514. By Agriculture and Environment Committee

Jan.	7	Title	29
Jan.	21	Referred for review	320
Jan.	27	Placed on Select File	381
Jan.	28	Referred for engrossment	428
Jan.	30	Correctly engrossed	468
Feb.	4	Final Reading	536
Feb.	5	Correctly enrolled	552
Feb.	5	President signed	553
Feb.	6	Presented to Governor	575
Feb.	10	Approved by Governor	617

LEGISLATIVE BILL 515. By Goodrich

Jan.	7	Title	29
Jan.	9	Referred for review	154
Jan.	23	Placed on Select File	341
Jan.	26	Referred for engrossment	365
Jan.	28	Correctly engrossed	417
Feb.	2	Final Reading	491
Feb.	3	Correctly enrolled. President signed	512
Feb.	4	Presented to Governor	533
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 516. By Fitzgerald

Jan.	7	Title	30
Jan.	12	Indefinitely postponed	178

LEGISLATIVE BILL 519. By Agriculture and Environment Committee

Jan.	7	Title	30
Jan.	12	Bracketed	180
Jan.	20	Bracketed	280
Jan.	27	Schmit amendment printed	411
Feb.	2	Bracketed	508
Feb.	4	Committee amendments rejected. Schmit amendment renewed. Murphy amendment adopted. Rasmussen amendment lost. Simpson amendment pending. Motion to bracket lost	544
Feb.	6	Simpson pending amendment adopted. Cope amendment adopted. Mills amendment lost. Schmit amendment withdrawn. Laid over	576
Feb.	6	Schmit amendment pending. Laid over	577
Feb.	9	Rasmussen motion to indefinitely postpone pending	607
Feb.	12	Burbach amendment printed	651
Feb.	13	Bracketed	672
Feb.	17	R. Lewis amendment printed	688

Feb.	18	Rasmussen pending amendment lost. Schmit pending amendment withdrawn. Burbach amendment renewed. R. Lewis and Burbach pending amendments adopted. Rasmussen motion to indefinitely postpone lost. Referred for review	698
Feb.	20	Placed on Select File	727
Feb.	23	Referred for engrossment	749
Feb.	24	Correctly engrossed	760
Feb.	26	Bracketed	814
Mar.	1	Attorney General Opinion	857
Mar.	2	Rasmussen motion to return to Select File for amendment lost. Final Reading	875
Mar.	2	Mills motion to reconsider pending	879
Mar.	2	Explanation of vote	882
Mar.	3	Held	897
Mar.	3	Correctly enrolled. President signed	899
Mar.	5	Mills pending motion to reconsider failed	948
Mar.	5	Presented to Governor	957
Mar.	9	Approved by Governor	999

LEGISLATIVE BILL 521. By Education Committee

Jan.	7	Title	30
Jan.	9	Referred for review	154
Jan.	23	Placed on Select File	341
Jan.	26	Referred for engrossment	365
Jan.	28	Correctly engrossed	417
Feb.	2	Final Reading	492
Feb.	3	Correctly enrolled. President signed	512
Feb.	4	Presented to Governor	533
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 524. By Miscellaneous Subjects Committee

Jan.	7	Title	30
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 531. By Cavanaugh, at request of Governor

Jan.	7	Title	30
Jan.	12	Indefinitely postponed	178

LEGISLATIVE BILL 532. By Nebraska Retirement Systems Committee

Jan.	7	Title	31
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 533. By Nebraska Retirement Systems Committee

Jan.	7	Title	31
Jan.	9	Indefinitely postponed	154

LEGISLATIVE BILL 534. By Warner, at request of Governor

Jan.	7	Title	31
Jan.	9	Referred for review	146
Jan.	22	Placed on Select File	334
Jan.	26	Referred for engrossment	364
Jan.	27	Correctly engrossed	391
Jan.	30	Final Reading	461
Feb.	2	Correctly enrolled. President signed	503
Feb.	3	Presented to Governor	510
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 535. By Agriculture and Environment Committee

Jan.	7	Title	31
Jan.	8	Referred for review	138
Jan.	22	Placed on Select File	333
Jan.	26	Referred for engrossment	364
Jan.	27	Correctly engrossed	391
Jan.	30	Final Reading	461
Feb.	2	Correctly enrolled. President signed	503
Feb.	3	Presented to Governor	510
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 536. By Agriculture and Environment Committee

Jan.	7	Title	32
Jan.	7	Referred for engrossment	112
Jan.	12	Replaced on Select File	169
Jan.	13	Referred for engrossment	189
Jan.	23	Correctly engrossed	342
Jan.	28	Returned to Select File for Schmit amendment	420
Jan.	28	Schmit amendment adopted. Referred for re-engrossment	421
Jan.	29	Replaced on Select File	449
Jan.	30	Referred for re-engrossment	474
Feb.	2	Correctly re-engrossed	505
Feb.	5	Final Reading	561
Feb.	6	Explanation of vote	572
Feb.	6	Correctly enrolled. President signed	574
Feb.	9	Presented to Governor	588
Feb.	17	Approved by Governor	676

LEGISLATIVE BILL 539. By Bereuter, at request of Governor

Jan.	7	Title	32
Jan.	12	Indefinitely postponed	178

LEGISLATIVE BILL 540. By Judiciary Committee

Jan.	7	Title	32
Feb.	2	Indefinitely postponed	507

LEGISLATIVE BILL 544. By Agriculture and Environment Committee

Jan. 7	Title	32
Jan. 14	Referred for review	229
Jan. 26	Placed on Select File	362
Jan. 27	Schmit amendments and letters printed. Laid over	399
Jan. 28	Schmit pending amendment adopted. Referred for engrossment	426
Jan. 30	Replaced on Select File	456
Feb. 2	Bracketed	504
Feb. 18	Bracketed. Returned to Committee	707
Feb. 18	Notice of hearing	708
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 545. By Public Health and Welfare Committee

Jan. 7	Title	33
Jan. 7	Bracketed	124
Jan. 8	Unbracketed	134
Jan. 13	Dickinson and Kennedy amendments adopted. Referred for review	200
Jan. 14	Kennedy amendment printed	221
Jan. 26	Placed on Select File	360
Jan. 27	Kennedy pending amendment adopted. Referred for engrossment	398
Jan. 28	Correctly engrossed	435
Feb. 2	Final Reading	501
Feb. 3	Correctly enrolled. President signed	512
Feb. 4	Presented to Governor	533
Feb. 9	Approved by Governor	587

LEGISLATIVE BILL 545A. By Public Health and Welfare Committee

Jan. 27	Read first time. Placed on General File	386
Feb. 2	Change of order. Indefinitely postponed	501

LEGISLATIVE BILL 546. By Labor Committee

Jan. 7	Title	33
Jan. 7	Laid over	124
Jan. 12	Indefinitely postponed	175

LEGISLATIVE BILL 549. By Burbach, at request of Governor

Jan. 7	Title	33
Jan. 7	Indefinitely postponed	125

LEGISLATIVE BILL 552. By Burbach, at request of Governor

Jan. 7	Title	33
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 554. By Burbach, at request of Governor

Jan.	7	Title	33
Jan.	7	Indefinitely postponed	125

LEGISLATIVE BILL 558. By Judiciary Committee

Jan.	7	Title	34
Feb.	2	Indefinitely postponed	507

LEGISLATIVE BILL 559. By Agriculture and Environment Committee

Jan.	7	Title	34
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 561. By Banking, Commerce and Insurance Committee

Jan.	7	Title	34
Jan.	7	Laid over	125
Jan.	12	Murphy amendments adopted. Referred for review	179
Jan.	23	Placed on Select File	342
Jan.	26	Referred for engrossment	365
Jan.	27	Replaced on Select File	377
Jan.	28	Referred for engrossment	428
Jan.	30	Correctly engrossed	468
Feb.	4	Final Reading	537
Feb.	5	Correctly enrolled	552
Feb.	5	President signed	553
Feb.	6	Presented to Governor	575
Feb.	10	Approved by Governor	617

LEGISLATIVE BILL 565. By Urban Affairs Committee

Jan.	7	Title	34
Jan.	9	Committe amendment rejected. Barnett amendment lost. Bracketed	154
Jan.	13	Bracketed	198
Jan.	14	Attorney General Opinion	215
Jan.	20	Bracketed	280
Feb.	3	Bracketed	524
Feb.	3	DeCamp amendments printed	525
Mar.	24	Laid over	1358
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 566. By Miscellaneous Subjects Committee

Jan.	7	Title	35
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 568. By Judiciary Committee

Jan.	7	Title	35
Feb.	3	Indefinitely postponed	526

LEGISLATIVE BILL 569. By Judiciary Committee

Jan.	7	Title	35
Jan.	8	Referred for review	135
Jan.	12	Placed on Select File	170
Jan.	13	Referred for engrossment	190
Jan.	23	Correctly engrossed	342
Jan.	28	Final Reading	420
Jan.	29	Correctly enrolled	440
Jan.	30	President signed	455
Jan.	30	Presented to Governor	468
Feb.	4	Approved by Governor	528

LEGISLATIVE BILL 570. By Judiciary Committee

Jan.	7	Title	35
Mar.	3	Placed on General File	907
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 574. By Government, Military and Veterans Affairs Committee

Jan.	7	Title	36
Jan.	7	Bracketed	107
Jan.	13	Chambers amendment adopted. Referred for engrossment	193
Jan.	22	Attorney General Opinion	323
Jan.	22	Replaced on Select File	326
Jan.	23	Referred for engrossment. DeCamp motion to return to Select File for amendment lost	346
Jan.	23	Returned to Select File for Cavanaugh amendment. Cavanaugh amendment adopted. Referred for engrossment	347
Jan.	26	Replaced on Select File	371
Jan.	27	Referred for engrossment	405
Jan.	28	Replaced on Select File	435
Jan.	29	Referred for engrossment	451
Jan.	30	Correctly engrossed	468
Feb.	4	Attorney General Opinion	530
Feb.	4	DeCamp motion to return to Select File for amendment withdrawn. Motion to bracket lost	537
Feb.	4	Final Reading	538

LEGISLATIVE BILL 576. By Education Committee

Jan.	7	Title	36
Feb.	18	Indefinitely postponed	701

LEGISLATIVE BILL 579. By F. Lewis, at request of Governor

Jan.	7	Title	36
Jan.	20	Bracketed	288

Jan.	27	Bracketed	408
Jan.	28	Warner amendments printed	433
Feb.	3	Bracketed	524
Feb.	6	F. Lewis pending amendment withdrawn. Warner pending amendment adopted. Koch motion to indefinitely postpone lost. Referred for review	577
Feb.	10	Placed on Select File	610
Feb.	11	Referred for engrossment	634
Feb.	12	Correctly engrossed	647
Feb.	23	Attorney General Opinion	753
Feb.	23	Attorney General Opinion	755
Mar.	25	Bracketed	1432
Mar.	30	Final Reading	1504
Mar.	30	Correctly enrolled. President signed	1515
Mar.	30	Presented to Governor	1520
Apr.	7	Approved by Governor	1557

LEGISLATIVE BILL 579A. By F. Lewis

Feb.	11	Read first time. Placed on General File	637
Feb.	13	Failed to advance for review	671
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 581. By Anderson, at request of Governor

Jan.	7	Title	36
Jan.	8	Considered. Laid over	135
Jan.	12	Anderson amendment adopted. Referred for review	179
Jan.	23	Placed on Select File	342
Jan.	26	Referred for engrossment	365
Jan.	28	Correctly engrossed	417
Jan.	30	Returned to Select File for Clark amendment	468
Jan.	30	Clark amendment adopted. Referred for engrossment	471
Jan.	30	Expedited	472
Jan.	30	Correctly re-engrossed	480
Feb.	4	Final Reading	539
Feb.	5	Correctly enrolled	552
Feb.	5	President signed	553
Feb.	6	Presented to Governor	575
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 583. By Executive Board

Jan.	7	Title	36
Jan.	8	Luedtke pending amendment adopted. Referred for review	138
Jan.	22	Placed on Select File	333
Jan.	26	Referred for engrossment	364

Jan.	27	Correctly engrossed	391
Jan.	30	Final Reading	462
Feb.	2	Correctly enrolled. President signed	503
Feb.	3	Presented to Governor	510
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 584. By Judiciary Committee

Jan.	7	Title	37
Jan.	9	Referred for review	148
Jan.	23	Placed on Select File	341
Jan.	26	Laid over	365
Jan.	26	Luedtke amendment adopted. Referred for engrossment	368
Jan.	28	Correctly engrossed	435
Feb.	2	Final Reading	492
Feb.	3	Correctly enrolled. President signed	512
Feb.	4	Presented to Governor	533
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 585. By Judiciary Committee

Jan.	7	Title	37
Jan.	14	Placed on General File	218
Jan.	21	Bracketed	322
Jan.	27	Luedtke amendments adopted. Referred for review	409
Jan.	29	Placed on Select File	439
Jan.	30	Duis amendment adopted. Referred for engrossment	474
Feb.	3	Replaced on Select File	510
Feb.	4	Referred for engrossment	542
Feb.	5	Bracketed	569
Feb.	6	Returned to Select File for Luedtke amendment. Luedtke amendment adopted. Referred for engrossment	581
Feb.	9	Correctly engrossed	588
Feb.	12	Final Reading	643
Feb.	13	Correctly enrolled. President signed	657
Feb.	17	Presented to Governor	678
Feb.	23	Approved by Governor	740

LEGISLATIVE BILL 586. By Judiciary Committee

Jan.	7	Title	37
Jan.	7	Referred for review	126
Jan.	12	Placed on Select File	170
Jan.	13	Referred for engrossment	190
Jan.	19	Attorney General Opinion	262
Jan.	23	Correctly engrossed	342
Jan.	28	Final Reading	421

Jan. 29 Correctly enrolled 440
Jan. 30 President signed 455
Jan. 30 Presented to Governor 468
Feb. 4 Approved by Governor 528

LEGISLATIVE BILL 587. By Education Committee
Jan. 7 Title 37
Jan. 9 Referred for review 155
Jan. 23 Placed on Select File 341
Jan. 26 Referred for engrossment 365
Jan. 28 Correctly engrossed 417
Feb. 2 Final Reading 493
Feb. 3 Correctly enrolled. President signed 512
Feb. 4 Presented to Governor 533
Feb. 9 Approved by Governor 587

LEGISLATIVE BILL 590. By Banking, Commerce and Insurance Committee
Jan. 7 Title 38
Jan. 9 Bracketed 154
Jan. 13 Bracketed 198
Mar. 8 Bracketed 988
Mar. 24 Laid over 1358
Apr. 7 Indefinitely postponed 1555

LEGISLATIVE BILL 591. By Anderson, at request of Governor
Jan. 7 Title 38
Jan. 12 Indefinitely postponed 178

LEGISLATIVE BILL 592. By Education Committee
Jan. 7 Title 38
Mar. 25 Indefinitely postponed 1418

LEGISLATIVE BILL 594. By Appropriations Committee
Jan. 7 Title 38
Mar. 31 Indefinitely postponed 1548

LEGISLATIVE BILL 595. By Government, Military and Veterans Affairs Committee
Jan. 7 Title 39
Feb. 20 Indefinitely postponed 731

LEGISLATIVE BILL 596. By Burbach, at request of Governor
Jan. 7 Title 39
Jan. 12 Referred for review 181
Jan. 23 Placed on Select File 350

Jan.	26	Referred for engrossment	365
Jan.	28	Correctly engrossed	417
Feb.	2	Final Reading	494
Feb.	3	Correctly enrolled. President signed	512
Feb.	4	Presented to Governor	533
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 597. By Appropriations Committee

Jan.	7	Title	39
Jan.	13	Bracketed	198
Feb.	2	Unbracketed	505
Feb.	12	Marsh and Stull names removed. Returned to Reference Committee. Referred to Committee on Appropriations	653
Feb.	13	Notice of hearing	658
Feb.	25	Indefinitely postponed	786

LEGISLATIVE BILL 601. By Agriculture and Environment Committee

Jan.	7	Title	39
Feb.	3	Indefinitely postponed	526

LEGISLATIVE BILL 602. By Banking, Commerce and Insurance Committee

Jan.	7	Title	40
Jan.	12	Indefinitely postponed	184

LEGISLATIVE BILL 608. By F. Lewis, at request of Governor

Jan.	7	Title	40
Jan.	9	Indefinitely postponed	155

LEGISLATIVE BILL 613. By Executive Board

Jan.	7	Title	40
Jan.	12	Referred for review	185
Jan.	23	Placed on Select File	351
Jan.	26	Referred for engrossment	365
Jan.	28	Correctly engrossed	417
Feb.	2	Final Reading	494
Feb.	3	Correctly enrolled. President signed. Held	512
Feb.	3	Reconsidered Final Reading. Returned to Select File for Burbach amendment	513
Feb.	4	Burbach amendment adopted. Indefinitely postponed	542

LEGISLATIVE BILL 614. By Judiciary Committee

Jan.	7	Read first time	97
Jan.	7	Placed on General File	119
Jan.	13	Referred for review	199

Jan.	13	Placed on Select File	351
Jan.	26	Referred for engrossment	366
Jan.	28	Correctly engrossed	417
Feb.	2	Final Reading	495
Feb.	3	Correctly enrolled. President signed	512
Feb.	4	Presented to Governor	533
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 615. By Judiciary Committee

Jan.	7	Read first time	97
Jan.	7	Placed on General File	119
Jan.	13	Referred for review	199
Jan.	23	Placed on Select File	351
Jan.	26	Referred for engrossment	366
Jan.	28	Correctly engrossed	417
Feb.	2	Final Reading	496
Feb.	3	Correctly enrolled. President signed	512
Feb.	4	Presented to Governor	533
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 616. By Judiciary Committee

Jan.	7	Read first time	97
Jan.	7	Placed on General File	119
Jan.	13	Referred for review	199
Jan.	23	Placed on Select File	351
Jan.	26	Referred for engrossment	366
Jan.	28	Correctly engrossed	417
Feb.	2	Final Reading	497
Feb.	3	Correctly enrolled. President signed	512
Feb.	4	Presented to Governor	533
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 617. By Judiciary Committee

Jan.	7	Read first time	98
Jan.	7	Placed on General File	119
Jan.	13	Referred for review	199
Jan.	23	Placed on Select File	351
Jan.	26	Referred for engrossment	366
Jan.	28	Correctly engrossed	417
Feb.	2	Final Reading	497
Feb.	3	Correctly enrolled. President signed	512
Feb.	4	Presented to Governor	533
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 618. By Judiciary Committee

Jan.	7	Read first time	98
Jan.	7	Placed on General File	119
Jan.	13	Referred for review	199

Jan.	23	Placed on Select File	351
Jan.	26	Referred for engrossment	366
Jan.	28	Correctly engrossed	417
Feb.	2	Final Reading	498
Feb.	3	Correctly enrolled. President signed	512
Feb.	4	Presented to Governor	533
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 619. By Judiciary Committee

Jan.	7	Read first time	98
Jan.	7	Placed on General File	119
Jan.	13	Referred for review	199
Jan.	23	Placed on Select File	351
Jan.	26	Referred for engrossment	366
Jan.	28	Correctly engrossed	417
Feb.	2	Final Reading	499
Feb.	3	Correctly enrolled. President signed	512
Feb.	4	Presented to Governor	533
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 620. By Judiciary Committee

Jan.	7	Read first time	98
Jan.	7	Placed on General File	119
Jan.	13	Referred for review	199
Jan.	23	Placed on Select File	351
Jan.	26	Referred for engrossment	366
Jan.	28	Correctly engrossed	417
Feb.	2	Final Reading	499
Feb.	3	Correctly enrolled. President signed	512
Feb.	4	Presented to Governor	533
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 621. By Judiciary Committee

Jan.	7	Read first time	98
Jan.	7	Placed on General File	119
Jan.	13	Referred for review	199
Jan.	23	Placed on Select File	351
Jan.	26	Referred for engrossment	366
Jan.	28	Correctly engrossed	417
Feb.	2	Final Reading	500
Feb.	3	Correctly enrolled. President signed	512
Feb.	4	Presented to Governor	533
Feb.	9	Approved by Governor	587

LEGISLATIVE BILL 622. By Judiciary Committee

Jan.	7	Read first time	98
Jan.	7	Placed on General File	119
Jan.	13	Referred for review	199

Jan.	23	Placed on Select File	351
Jan.	26	Laid over	366
Jan.	27	Luedtke amendment adopted. Referred for engrossment	397
Jan.	28	Replaced on Select File	435
Jan.	29	Referred for engrossment	451
Feb.	2	Correctly engrossed	503
Feb.	5	Final Reading	562
Feb.	6	Correctly enrolled. President signed	574
Feb.	9	Presented to Governor	588
Feb.	10	Approved by Governor	617

LEGISLATIVE BILL 623. By Judiciary Committee

Jan.	7	Read first time	99
Jan.	7	Referred to Committee on Judiciary	119
Jan.	12	Notice of hearing	177
Jan.	29	Notice of hearing continued	446
Mar.	2	Placed on General File	892
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 624. By Clark

Jan.	7	Read first time	99
Jan.	7	Referred to Committee on Miscellaneous Subjects	121
Jan.	28	Notice of hearing	425
Mar.	8	Indefinitely postponed	992

LEGISLATIVE BILL 625. By Clark

Jan.	7	Read first time	99
Jan.	7	Referred to Committee on Public Works	121
Jan.	9	Notice of hearing	156
Jan.	26	Indefinitely postponed	369

LEGISLATIVE BILL 626. By Education Committee

Jan.	7	Read first time	99
Jan.	7	Referred to Committee on Education	121
Jan.	8	Notice of hearing	143
Jan.	28	Placed on General File	423
Feb.	27	Referred for review	839
Mar.	2	Placed on Select File	872
Mar.	3	Referred for engrossment	901
Mar.	5	Correctly engrossed	938
Mar.	10	Final Reading	1028
Mar.	10	Correctly enrolled. President signed	1048
Mar.	11	Presented to Governor	1059
Mar.	12	Approved by Governor	1105

LEGISLATIVE BILL 627. By Moylan

Jan.	7	Read first time	99
Jan.	7	Referred to Committee on Public Health and Welfare	121
Jan.	8	Notice of hearing	143
Jan.	23	Indefinitely postponed	343

LEGISLATIVE BILL 628. By Kennedy, Luedtke

Jan.	7	Read first time	99
Jan.	7	Referred to Committee on Public Works	121
Jan.	9	Notice of hearing	156
Jan.	23	Placed on General File	351
Feb.	3	Warner amendments adopted	524
Feb.	4	Barnett motion to reconsider Committee amendments lost. Referred for review	543
Feb.	6	Placed on Select File	572
Feb.	9	Referred for engrossment	593
Feb.	10	Replaced on Select File	609
Feb.	11	Referred for engrossment	634
Feb.	12	Correctly engrossed	647
Feb.	18	Final Reading	695
Feb.	19	Correctly enrolled. President signed	713
Feb.	20	Presented to Governor	727
Feb.	24	Approved by Governor	760

LEGISLATIVE BILL 629. By Stull

Jan.	7	Read first time	100
Jan.	7	Referred to Committee on Judiciary	121
Jan.	8	Notice of hearing	142
Jan.	22	Placed on General File	337
Feb.	3	Referred for review	524
Feb.	5	Placed on Select File	552
Feb.	6	Referred for engrossment	575
Feb.	9	Correctly engrossed	588
Feb.	12	Final Reading	644
Feb.	13	Correctly enrolled. President signed	657
Feb.	17	Presented to Governor	678
Feb.	23	Approved by Governor	740

LEGISLATIVE BILL 630. By Koch

Jan.	7	Read first time	100
Jan.	7	Referred to Committee on Government, Military and Veterans Affairs	121
Jan.	8	Notice of hearing	142
Feb.	11	Placed on General File	640
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 630A. By Koch

Feb.	26	Read first time. Placed on General File	808
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 631. By Koch

Jan.	7	Read first time	100
Jan.	7	Referred to Committee on Education	121
Jan.	7	Notice of hearing	124
Feb.	19	Placed on General File	715
Feb.	26	Bracketed	813
Mar.	2	F. Lewis and Koch amendments printed	886
Mar.	2	F. Lewis amendment printed	887
Mar.	3	DeCamp amendments printed	903
Mar.	9	Cavanaugh amendment lost	1021
Mar.	10	Dickinson and Chambers amendments adopted. Koch, Burrows and Dworak amendments lost	1044
Mar.	10	Committee amendments adopted	1049
Mar.	10	F. Lewis pending amendment lost. DeCamp amendment renewed. DeCamp amendment pending. Bracketed	1050
Mar.	24	Attorney General Opinion	1337
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 631A. By Koch

Feb.	26	Read first time. Placed on General File	803
Mar.	10	Bracketed	1051
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 632. By Koch

Jan.	7	Read first time	100
Jan.	7	Referred to Committee on Public Health and Welfare	121
Jan.	12	Notice of hearing	177
Mar.	3	Indefinitely postponed	903

LEGISLATIVE BILL 633. By Koch

Jan.	7	Read first time	100
Jan.	7	Referred to Committee on Judiciary	121
Jan.	8	Notice of hearing	142
Feb.	27	Indefinitely postponed	844

LEGISLATIVE BILL 634. By Rumery

Jan.	7	Read first time	100
Jan.	7	Referred to Committee on Miscellaneous Subjects	121
Jan.	14	Notice of hearing	221
Jan.	28	Placed on General File	424

Feb.	20	Bracketed	733
Feb.	26	Laid over	813
Feb.	27	Referred for review	828
Mar.	2	Placed on Select File	870
Mar.	3	Referred for engrossment	901
Mar.	4	Correctly engrossed	926
Mar.	9	Final Reading	1000
Mar.	9	Correctly enrolled. President signed	1022
Mar.	10	Presented to Governor	1044
Mar.	12	Approved by Governor	1108

LEGISLATIVE BILL 634A. By Rumery

Feb.	2	Read first time. Placed on General File	503
Feb.	27	Referred for review	828
Mar.	2	Placed on Select File	870
Mar.	3	Referred for engrossment	901
Mar.	4	Correctly engrossed	926
Mar.	9	Returned to Select File for Rumery amendment	1002
Mar.	9	Rumery amendment adopted. Referred for re-engrossment	1014
Mar.	11	Correctly re-engrossed	1059
Mar.	16	Final Reading	1136
Mar.	17	Correctly enrolled. President signed	1175
Mar.	17	Presented to Governor	1185
Mar.	19	Approved by Governor	1241

LEGISLATIVE BILL 635. By Hasebroock

Jan.	7	Read first time	101
Jan.	7	Referred to Committee on Government, Military and Veterans Affairs	121
Jan.	8	Notice of hearing	142
Jan.	16	Placed on General File	257
Jan.	19	Referred for review	267
Jan.	27	Placed on Select File	380
Jan.	28	Referred for engrossment	427
Jan.	29	Correctly engrossed	452
Feb.	2	Attorney General Opinion	487
Feb.	3	Returned to Select File for Hasebroock amendment	518
Feb.	3	Hasebroock amendment adopted. Referred for re-engrossment	522
Feb.	4	Replaced on Select File	533
Feb.	5	Referred for re-engrossment	568
Feb.	6	Correctly re-engrossed	574
Feb.	11	Final Reading	630
Feb.	12	Correctly enrolled. President signed	647
Feb.	13	Presented to Governor	657
Feb.	19	Approved by Governor	712

LEGISLATIVE BILL 636. By Judiciary Committee

Jan.	7	Read first time	101
Jan.	7	Referred to Committee on Judiciary	121
Jan.	8	Notice of hearing	142
Feb.	5	Indefinitely postponed	570

LEGISLATIVE BILL 637. By Judiciary Committee

Jan.	7	Read first time	101
Jan.	7	Referred to Committee on Judiciary	121
Jan.	8	Notice of hearing	142
Feb.	5	Indefinitely postponed	570

LEGISLATIVE BILL 638. By Judiciary Committee

Jan.	7	Read first time	101
Jan.	7	Referred to Committee on Banking, Commerce and Insurance	121
Jan.	13	Notice of hearing	189
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 639. By Judiciary Committee

Jan.	7	Read first time	101
Jan.	7	Referred to Committee on Judiciary	121
Jan.	8	Notice of hearing	142
Jan.	27	Placed on General File	405
Feb.	24	Attorney General Opinion	764
Mar.	5	Attorney General Opinion	935
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 640. By Judiciary Committee

Jan.	7	Read first time	101
Jan.	7	Referred to Committee on Judiciary	121
Jan.	8	Notice of hearing	142
Jan.	21	Placed on General File	322
Jan.	22	Referred for review	332
Jan.	27	Placed on Select File	382
Jan.	28	Referred for engrossment	428
Jan.	30	Correctly engrossed	468
Feb.	4	Final Reading	540
Feb.	5	Correctly enrolled	552
Feb.	5	President signed	553
Feb.	6	Presented to Governor	575
Feb.	10	Approved by Governor	617

LEGISLATIVE BILL 641. By Marsh

Jan.	7	Read first time	102
Jan.	7	Referred to Committee on Government, Military and Veterans Affairs	121

Jan.	8	Notice of hearing	142
Jan.	16	Placed on General File	257
Jan.	19	Referred for review	267
Jan.	27	Placed on Select File	380
Jan.	28	Referred for engrossment	427
Jan.	29	Correctly engrossed	452
Feb.	3	Final Reading	518
Feb.	4	Correctly enrolled. President signed	534
Feb.	5	Presented to Governor	552
Feb.	10	Approved by Governor	617

LEGISLATIVE BILL 642. By Mills

Jan.	7	Read first time	102
Jan.	7	Referred to Committee on Agriculture and Environment	121
Jan.	12	Notice of hearing	176
Jan.	29	Placed on General File	446
Feb.	27	Mahoney amendment adopted. Cavanaugh motion to indefinitely postpone lost. Motion to lay over lost. Cavanaugh amendment lost. Referred for review	840
Mar.	2	Placed on Select File	872
Mar.	3	Referred for engrossment	901
Mar.	5	Correctly engrossed	938
Mar.	10	Bracketed	1028
Mar.	10	Maresh amendment printed	1040
Mar.	11	Maresh pending amendment withdrawn. Final Reading	1060
Mar.	12	Correctly enrolled. President signed	1089
Mar.	12	Presented to Governor	1113
Mar.	16	Approved by Governor	1148

LEGISLATIVE BILL 643. By Nebraska Retirement Systems Committee

Jan.	7	Read first time	102
Jan.	7	Referred to Committee on Nebraska Retirement Systems	121
Jan.	20	Notice of hearing	291
Feb.	2	Placed on General File	506
Mar.	5	Referred for review	942
Mar.	8	Placed on Select File	982
Mar.	9	Referred for engrossment	1013
Mar.	10	Correctly engrossed	1044
Mar.	29	Final Reading	1460
Mar.	29	Explanation of vote	1476
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Explanation of vote	1488
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 644. By Nebraska Retirement Systems Committee

Jan.	7	Read first time	102
Jan.	7	Referred to Committee on Nebraska Retirement Systems	121
Jan.	20	Notice of hearing	291
Feb.	2	Placed on General File	506
Mar.	5	Referred for review	943
Mar.	8	Placed on Select File	982
Mar.	9	Referred for engrossment	1013
Mar.	10	Correctly engrossed	1044
Mar.	29	Final Reading	1461
Mar.	29	Explanation of vote	1476
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Explanation of vote	1488
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 645. By Nebraska Retirement Systems Committee

Jan.	7	Read first time	103
Jan.	7	Referred to Committee on Nebraska Retirement Systems	121
Jan.	20	Notice of hearing	291
Feb.	2	Placed on General File	506
Mar.	5	Referred for review	944
Mar.	8	Placed on Select File	982
Mar.	9	Referred for engrossment	1013
Mar.	10	Correctly engrossed	1044
Mar.	29	Final Reading	1462
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Explanation of vote	1488
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 646. By Duis

Jan.	7	Read first time	103
Jan.	7	Referred to Committee on Revenue	121
Jan.	12	Notice of hearing	181
Feb.	24	Indefinitely postponed	772

LEGISLATIVE BILL 647. By Duis

Jan.	7	Read first time	103
Jan.	7	Referred to Committee on Agriculture and Environment	121
Jan.	12	Notice of hearing	176
Jan.	29	Placed on General File	446
Mar.	5	Referred for review	940
Mar.	8	Placed on Select File	982

Mar.	9	Referred for engrossment	1013
Mar.	9	Replaced on Select File	1022
Mar.	10	Referred for engrossment	1042
Mar.	12	Correctly engrossed	1089
Mar.	25	Final Reading	1377
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 648. By Duis

Jan.	7	Read first time	103
Jan.	7	Referred to Committee on Education	121
Jan.	8	Notice of hearing	143
Mar.	18	Indefinitely postponed	1227

LEGISLATIVE BILL 649. By Keyes

Jan.	7	Read first time	103
Jan.	7	Referred to Committee on Banking, Commerce and Insurance	121
Jan.	13	Notice of hearing	189
Jan.	22	Placed on General File	331
Feb.	3	Referred for review	524
Feb.	5	Placed on Select File	552
Feb.	6	Referred for engrossment	575
Feb.	9	Replaced on Select File	588
Feb.	10	Referred for engrossment	619
Feb.	11	Correctly engrossed	625
Feb.	17	Final Reading	679
Feb.	18	Correctly enrolled. President signed	690
Feb.	19	Presented to Governor	712
Feb.	23	Approved by Governor	740

LEGISLATIVE BILL 650. By Keyes

Jan.	7	Read first time	103
Jan.	7	Referred to Committee on Public Works	121
Jan.	9	Notice of hearing	156
Jan.	21	Indefinitely postponed	314

LEGISLATIVE BILL 651. By Carsten

Jan.	7	Read first time	104
Jan.	7	Referred to Committee on Revenue	121
Jan.	12	Notice of hearing	182
Jan.	20	Placed on General File	280
Jan.	22	Stull amendment adopted. Koch amendment lost. Referred for review	327
Jan.	27	Placed on Select File	382

Jan.	28	Referred for engrossment	428
Jan.	29	Correctly engrossed	452
Feb.	3	Final Reading	519
Feb.	4	Correctly enrolled. President signed	534
Feb.	5	Presented to Governor	552
Feb.	10	Approved by Governor	617

LEGISLATIVE BILL 652. By Moylan

Jan.	7	Read first time	104
Jan.	7	Referred to Committee on Government, Military and Veterans Affairs	121
Jan.	8	Notice of hearing	142
Jan.	30	Placed on General File	485
Feb.	20	Referred for review	732
Feb.	24	Placed on Select File	761
Feb.	25	Referred for engrossment	783
Feb.	26	Correctly engrossed	788
Mar.	2	Final Reading	876
Mar.	2	Marsh motion to reconsider prevailed	879
Mar.	2	Marsh motion to return to Select File for amendment pending	882
Mar.	3	Returned to Select File for Marsh pending amendment	902
Mar.	3	Marsh amendment adopted. Referred for re-engrossment	903
Mar.	4	Correctly re-engrossed	926
Mar.	9	Final Reading	1002
Mar.	9	Correctly enrolled. President signed	1022
Mar.	10	Presented to Governor	1044
Mar.	16	Returned by Governor without approval	1150

LEGISLATIVE BILL 653. By Moylan

Jan.	7	Read first time	104
Jan.	7	Referred to Committee on Constitutional Revision and Recreation	121
Feb.	2	Motion to withdraw pending	488
Feb.	3	Withdrawn	527

LEGISLATIVE BILL 654. By Judiciary Committee

Jan.	7	Read first time	104
Jan.	7	Referred to Committee on Judiciary	121
Jan.	8	Notice of hearing	142
Jan.	21	Indefinitely postponed	322

LEGISLATIVE BILL 655. By Nichol

Jan.	7	Read first time	104
Jan.	7	Referred to Committee on Judiciary	121

Jan.	8	Notice of hearing	142
Jan.	23	Placed on General File	353
Jan.	30	Referred for review	483
Feb.	3	Placed on Select File	511
Feb.	4	Referred for engrossment	543
Feb.	5	Correctly engrossed	552
Feb.	10	Final Reading	614
Feb.	11	Correctly enrolled. President signed	625
Feb.	12	Presented to Governor	647
Feb.	19	Approved by Governor	712

LEGISLATIVE BILL 656. By Nichol

Jan.	7	Read first time	104
Jan.	7	Referred to Committee on Urban Affairs	121
Jan.	12	Notice of hearing	174
Jan.	14	Notice of hearing reset	221
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 657. By Nichol

Jan.	7	Read first time	105
Jan.	7	Referred to Committee on Urban Affairs	121
Jan.	12	Notice of hearing	174
Jan.	14	Notice of hearing reset	221
Jan.	27	Placed on General File	390
Jan.	30	Referred for review	484
Feb.	3	Placed on Select File	511
Feb.	4	Referred for engrossment	543
Feb.	5	Correctly engrossed	552
Feb.	10	Final Reading	615
Feb.	11	Correctly enrolled. President signed	625
Feb.	12	Presented to Governor	647
Feb.	19	Approved by Governor	712

LEGISLATIVE BILL 658. By Nichol

Jan.	7	Read first time	105
Jan.	7	Referred to Committee on Miscellaneous Subjects	121
Jan.	28	Notice of hearing	425
Mar.	8	Indefinitely postponed	992

LEGISLATIVE BILL 659. By Marvel

Jan.	7	Read first time	105
Jan.	7	Referred to Committee on Government, Military and Veterans Affairs	121
Jan.	8	Notice of hearing	143
Jan.	30	Indefinitely postponed	482

LEGISLATIVE BILL 660. By Keyes

Jan.	7	Read first time	105
Jan.	7	Referred to Committee on Banking, Commerce and Insurance	121
Jan.	20	Notice of hearing	290
Feb.	3	Placed on General File	521
Feb.	4	Murphy amendment printed	549
Mar.	12	Murphy amendment adopted. Keyes amendment adopted. Referred for review	1110
Mar.	15	Placed on Select File	1128
Mar.	16	Referred for engrossment	1140
Mar.	17	Correctly engrossed	1175
Mar.	29	Final Reading	1468
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Explanation of vote	1488
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 661. By Koch

Jan.	7	Read first time	105
Jan.	7	Referred to Committee on Government, Military and Veterans Affairs	121
Jan.	8	Notice of hearing	143
Feb.	27	Indefinitely postponed	841

LEGISLATIVE BILL 662. By Swigart

Jan.	7	Read first time	105
Jan.	7	Referred to Committee on Constitutional Revision and Recreation	121
Jan.	8	Notice of hearing	143
Feb.	6	Indefinitely postponed	576

LEGISLATIVE BILL 663. By Swigart

Jan.	7	Read first time	105
Jan.	7	Referred to Committee on Constitutional Revision and Recreation	121
Jan.	8	Notice of hearing	143
Feb.	26	Indefinitely postponed	803

LEGISLATIVE BILL 664. By F. Lewis

Jan.	7	Read first time	106
Jan.	7	Referred to Committee on Miscellaneous Subjects	122
Jan.	14	Notice of hearing	221
Jan.	28	Placed on General File	424
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 665. By F. Lewis

Jan.	7	Read first time	106
Jan.	7	Referred to Committee on Miscellaneous Subjects	122
Jan.	14	Notice of hearing	221
Jan.	28	Placed on General File	424
Feb.	27	F. Lewis amendment adopted. Laid over	838
Mar.	2	Swigart amendment lost. Koch motion to indefinitely postpone pending	888
Mar.	2	Koch pending motion to indefinitely postpone lost. Referred for review	892
Mar.	3	Koch amendment printed	904
Mar.	4	Placed on Select File	918
Mar.	5	Referred for engrossment. Returned to Select File for Koch amendment	940
Mar.	8	Koch amendment withdrawn. Referred for engrossment. Returned to Select File for F. Lewis amendment. F. Lewis amendment adopted. Referred for engrossment	985
Mar.	8	Chambers motion to return to Select File for amendment lost	986
Mar.	10	Replaced on Select File	1049
Mar.	11	Referred for engrossment	1069
Mar.	11	Chambers motion to return to Select File for amendment lost	1075
Mar.	12	Correctly engrossed	1114
Mar.	17	Final Reading	1167
Mar.	17	Correctly enrolled. Speaker signed	1186
Mar.	18	Presented to Governor	1200
Mar.	19	Approved by Governor	1241

LEGISLATIVE BILL 666. By Education Committee

Jan.	7	Read first time	106
Jan.	7	Referred to Committee on Education	122
Jan.	15	Re-referred to Committee on Constitutional Revision and Recreation	233
Jan.	16	Notice of hearing	250
Jan.	30	Placed on General File	467
Feb.	12	Chambers amendment lost. Referred for review	645
Feb.	17	Placed on Select File	678
Feb.	18	Chambers motion to indefinitely postpone pending	697
Feb.	19	Chambers pending motion to indefinitely postpone lost. Barnett amendment offered. F. Lewis amendment printed. Laid over	714

Feb.	20	Laid over	728
Feb.	20	Barnett and F. Lewis pending amendments withdrawn. F. Lewis amendment adopted. Mills amendment lost. Referred for engrossment	729
Feb.	23	Replaced on Select File	741
Feb.	23	Referred for engrossment. Expedited	749
Feb.	23	Correctly engrossed	752
Feb.	26	Chambers motion to return to Select File for amendment lost. Final Reading	790
Feb.	27	Correctly enrolled	818
Feb.	27	President signed	819
Mar.	1	Presented to Governor	846
Mar.	3	Approved by Governor	913

LEGISLATIVE BILL 667. By Goodrich

Jan.	7	Read first time	106
Jan.	7	Referred to Committee on Constitutional Revision and Recreation	122
Jan.	16	Notice of hearing	250
Feb.	2	Placed on General File	505
Feb.	27	Motion to lay over lost. Referred for review	842
Mar.	2	Placed on Select File	872
Mar.	3	Fowler motion to indefinitely postpone pending	902
Mar.	4	Fowler pending motion renewed	927
Mar.	4	Fowler pending motion lost. Burrows and Goodrich amendments offered. Bracketed	928
Mar.	11	Goodrich pending amendment withdrawn. Burrows pending amendment lost. Burrows amendment lost. Referred for engrossment	1068
Mar.	12	Correctly engrossed	1114
Mar.	17	Final Reading	1168
Mar.	17	Correctly enrolled. Speaker signed	1186
Mar.	18	Presented to Governor	1200
Mar.	19	Approved by Governor	1241

LEGISLATIVE BILL 668. By Rasmussen

Jan.	7	Read first time	106
Jan.	7	Referred to Committee on Revenue	122
Jan.	26	Notice of hearing	373
Feb.	13	Attorney General Opinion	672
Feb.	24	Placed on General File	770
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 669. By Kelly

Jan.	7	Read first time	112
Jan.	7	Referred to Committee on Judiciary	122
Jan.	8	Notice of hearing	142
Jan.	23	Placed on General File	353
Feb.	6	Nichol amendment adopted. Referred for review	578
Feb.	9	Cavanaugh amendments printed	599
Feb.	10	Placed on Select File	610
Feb.	11	Referred for engrossment	634
Feb.	12	Correctly engrossed	647
Feb.	13	Returned to Select File for Cavanaugh amendment. Cavanaugh amendment adopted. Referred for re-engrossment	659
Feb.	13	Kelly motion to return to Select File for amendment lost	670
Feb.	18	Replaced on Select File	690
Feb.	19	Referred for re-engrossment	715
Feb.	20	Correctly re-engrossed	733
Feb.	25	Final Reading	777
Feb.	26	Correctly enrolled. President signed	788
Mar.	1	Presented to Governor	846
Mar.	3	Approved by Governor	913

LEGISLATIVE BILL 670. By Kelly

Jan.	7	Read first time	112
Jan.	7	Referred to Committee on Miscellaneous Subjects	122
Jan.	16	Notice of hearing	254
Jan.	28	Placed on General File	424
Feb.	27	Cavanaugh amendments lost. Referred for review	844
Mar.	2	Placed on Select File	873
Mar.	3	Referred for engrossment	902
Mar.	5	Correctly engrossed	938
Mar.	10	Final Reading	1029
Mar.	10	Correctly enrolled. President signed	1048
Mar.	11	Presented to Governor	1059
Mar.	12	Approved by Governor	1108

LEGISLATIVE BILL 671. By Kelly

Jan.	7	Read first time	112
Jan.	7	Referred to Committee on Government, Military and Veterans Affairs	122
Jan.	8	Notice of hearing	143
Feb.	20	Placed on General File	732

Mar.	5	Kelly amendment adopted. Referred for review	950
Mar.	8	Placed on Select File	993
Mar.	9	Referred for engrossment	1014
Mar.	11	Correctly engrossed	1060
Mar.	25	Final Reading	1374
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	29	Approved by Governor	1479

LEGISLATIVE BILL 672. By Moylan

Jan.	7	Read first time	113
Jan.	7	Referred to Committee on Government, Military and Veterans Affairs	122
Jan.	8	Notice of hearing	143
Feb.	20	Indefinitely postponed	731

LEGISLATIVE BILL 673. By Fowler

Jan.	7	Read first time	113
Jan.	7	Referred to Committee on Education	122
Jan.	16	Notice of hearing	250
Jan.	19	Notice of hearing cancelled, reset	270
Jan.	29	Placed on General File	449
Mar.	24	Change of order, ruled out of order	1355
Mar.	24	Change of order	1359
Mar.	24	Referred for review	1360
Mar.	25	Placed on Select File	1415
Mar.	25	Referred for engrossment	1418
Mar.	29	Correctly engrossed	1447
Mar.	29	Returned to Select File for Barnett amendment. Barnett amendment adopted. Referred for re-engrossment	1457
Mar.	29	Replaced on Select File	1482
Mar.	29	Referred for re-engrossment	1483
Mar.	30	Correctly re-engrossed	1493
Apr.	7	Final Reading	1584
Apr.	7	Correctly enrolled. President signed	1586
Apr.	7	Presented to Governor	1589
Apr.	14	Approved by Governor	1636

LEGISLATIVE BILL 673A. By Fowler

Feb.	12	Read first time. Placed on General File	649
Mar.	24	Change of order, ruled out of order	1355
Mar.	24	Change of order	1359
Mar.	24	Referred for review	1360
Mar.	25	Placed on Select File	1415

Mar.	25	Referred for engrossment	1419
Mar.	29	Correctly engrossed	1447
Apr.	7	Final Reading	1585
Apr.	7	Correctly enrolled. President signed	1586
Apr.	7	Presented to Governor	1589
Apr.	14	Approved by Governor	1636

LEGISLATIVE BILL 674. By Public Health and Welfare Committee

Jan.	7	Read first time	113
Jan.	7	Referred to Committee on Public Health and Welfare	122
Jan.	8	Notice of hearing	143
Jan.	27	Placed on General File	410
Jan.	30	Referred for review	484
Feb.	3	Placed on Select File	511
Feb.	4	Referred for engrossment	543
Feb.	6	Correctly engrossed	574
Mar.	22	Final Reading	1261
Mar.	23	Correctly enrolled. President signed	1295
Mar.	23	Presented to Governor	1304
Mar.	25	Approved by Governor	1362

LEGISLATIVE BILL 674A. By Public Health and Welfare Committee

Jan.	30	Read first time. Placed on General File	482
Mar.	12	Referred for review	1110
Mar.	15	Placed on Select File	1128
Mar.	16	Referred for engrossment	1139
Mar.	17	Correctly engrossed	1175
Mar.	22	Final Reading	1262
Mar.	23	Correctly enrolled. President signed	1295
Mar.	23	Presented to Governor	1304
Mar.	25	Approved by Governor	1362

LEGISLATIVE BILL 675. By Moylan

Jan.	7	Read first time	118
Jan.	7	Referred to Committee on Revenue	122
Jan.	13	Notice of hearing	194
Jan.	23	Placed on General File	351
Jan.	30	Referred for review	483
Feb.	3	Placed on Select File	511
Feb.	4	Referred for engrossment	543
Feb.	5	Correctly engrossed	552
Feb.	5	Returned to Select File for Maresh amendment	567
Feb.	5	Laid over	568
Feb.	6	Maresh pending amendment withdrawn. Returned to Final Reading	575

Feb. 11	Final Reading	631
Feb. 12	Correctly enrolled. President signed	647
Feb. 13	Presented to Governor	657
Feb. 19	Approved by Governor	712

LEGISLATIVE BILL 676. By Appropriations Committee

Jan. 7	Read first time	122
Jan. 8	Referred to Committee on Appropriations	136
Jan. 13	Notice of hearing	194
Feb. 9	Placed on General File	592
Feb. 26	Referred for review	808
Mar. 1	Placed on Select File	847
Mar. 2	Referred for engrossment	880
Mar. 3	Correctly engrossed	905
Mar. 8	Final Reading	962
Mar. 8	Correctly enrolled. President signed	994
Mar. 9	Presented to Governor	1000
Mar. 12	Approved by Governor	1108

LEGISLATIVE BILL 677. By Simpson

Jan. 7	Read first time	122
Jan. 8	Referred to Committee on Labor	136
Jan. 13	Notice of hearing	200
Feb. 11	Indefinitely postponed	637

LEGISLATIVE BILL 678. By Nichol

Jan. 7	Read first time	122
Jan. 8	Referred to Committee on Public Works	136
Jan. 9	Notice of hearing	156
Jan. 26	Placed on General File	370
Feb. 6	Nichol amendment adopted. Referred for review	578
Feb. 10	Placed on Select File	611
Feb. 11	Referred for engrossment	635
Feb. 12	Correctly engrossed	647
Feb. 18	Final Reading	695
Feb. 19	Correctly enrolled. President signed	713
Feb. 20	Presented to Governor	727
Feb. 24	Approved by Governor	760

LEGISLATIVE BILL 679. By Marsh

Jan. 7	Read first time	122
Jan. 8	Referred to Committee on Judiciary	136
Jan. 12	Notice of hearing	177
Feb. 4	Indefinitely postponed	546

LEGISLATIVE BILL 680. By Clark

Jan.	7	Read first time	123
Jan.	8	Referred to Committee on Public Health and Welfare	136
Jan.	9	Motion. Referred to Committee on Public Health and Welfare	161
Jan.	16	Notice of hearing	250
Mar.	2	Indefinitely postponed	894

LEGISLATIVE BILL 681. By Keyes

Jan.	7	Read first time	124
Jan.	8	Referred to Committee on Agriculture and Environment	136
Jan.	12	Notice of hearing	177
Jan.	29	Indefinitely postponed	449

LEGISLATIVE BILL 682. By Appropriations Committee

Jan.	7	Read first time	126
Jan.	8	Referred to Committee on Appropriations	136
Jan.	13	Notice of hearing	194
Feb.	9	Placed on General File	592
Feb.	23	Referred for review	756
Feb.	24	Placed on Select File	762
Feb.	25	Referred for engrossment	783
Feb.	26	Correctly engrossed	788
Mar.	2	Final Reading	877
Mar.	2	Explanation of vote	882
Mar.	3	Correctly enrolled. President signed	899
Mar.	4	Presented to Governor	926
Mar.	11	Approved by Governor	1064

LEGISLATIVE BILL 683. By Appropriations Committee

Jan.	7	Read first time	126
Jan.	8	Referred to Committee on Appropriations	136
Jan.	13	Notice of hearing	194
Feb.	9	Placed on General File	592
Feb.	23	Referred for review	756
Feb.	24	Placed on Select File	762
Feb.	25	Referred for engrossment	783
Feb.	26	Correctly engrossed	788
Mar.	2	Final Reading	877
Mar.	2	Explanation of vote	882
Mar.	3	Correctly enrolled. President signed	899
Mar.	4	Presented to Governor	926
Mar.	9	Approved by Governor	1006

LEGISLATIVE BILL 684. By Appropriations Committee

Jan.	7	Read first time	126
Jan.	8	Referred to Committee on Appropriations	136
Jan.	13	Notice of hearing	194
Feb.	13	Placed on General File	667
Feb.	20	F. Lewis amendments printed	737
Feb.	24	F. Lewis amendment lost. F. Lewis pending amendments withdrawn. Marvel amendment adopted. Referred for review	767
Feb.	26	Placed on Select File	788
Feb.	27	Referred for engrossment	827
Mar.	1	Replaced on Select File	846
Mar.	2	Referred for engrossment	879
Mar.	3	Correctly engrossed	905
Mar.	8	Final Reading	962
Mar.	8	Correctly enrolled. President signed	994
Mar.	9	Presented to Governor	1000
Mar.	12	Approved by Governor	1105

LEGISLATIVE BILL 685. By Kime

Jan.	7	Read first time	126
Jan.	8	Referred to Committee on Public Works	136
Jan.	9	Notice of hearing	156
Feb.	3	Placed on General File	512
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 686. By George

Jan.	8	Read first time	128
Jan.	8	Referred to Committee on Government, Military and Veterans Affairs	136
Jan.	13	Notice of hearing	201
Jan.	30	Placed on General File	482
Mar.	5	Goodrich and Stoney amendments adopted. Referred for review	940
Mar.	8	Placed on Select File	982
Mar.	9	Referred for engrossment	1013
Mar.	10	Correctly engrossed	1044
Mar.	29	Final Reading	1462
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Explanation of vote	1488
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 687. By Clark

Jan.	8	Read first time	129
Jan.	8	Referred to Committee on Judiciary	136
Jan.	12	Notice of hearing	177
Jan.	27	Placed on General File	410

Mar.	12	Referred for review	1110
Mar.	15	Placed on Select File	1128
Mar.	16	Clark amendment adopted. Referred for engrossment	1139
Mar.	17	Correctly engrossed	1175
Mar.	30	Final Reading	1514
Mar.	30	Correctly enrolled. President signed	1521
Mar.	31	Presented to Governor	1525
Apr.	7	Returned by Governor without approval, blanket letter	1560
Apr.	7	Returned by Governor without approval	1568
Apr.	7	Passed over Governor's veto	1605
Apr.	7	Communication. Certificate	1611
Apr.	9	Letter	1623

LEGISLATIVE BILL 687A. By Clark

Jan.	29	Read first time. Placed on General File	446
Mar.	12	Referred for review	1110
Mar.	15	Placed on Select File	1128
Mar.	16	Referred for engrossment	1140
Mar.	17	Correctly engrossed	1175
Mar.	30	Final Reading	1515
Mar.	30	Correctly enrolled. President signed	1521
Mar.	31	Presented to Governor	1525
Apr.	7	Returned by Governor without approval, blanket letter	1560
Apr.	7	Returned by Governor without approval	1569

LEGISLATIVE BILL 688. By Dworak

Jan.	8	Read first time	129
Jan.	8	Referred to Committee on Urban Affairs	136
Jan.	12	Notice of hearing	174
Jan.	14	Notice of hearing reset	221
Feb.	6	Placed on General File	582
Mar.	5	Dworak amendment adopted. Referred for review	947
Mar.	5	Expedited	949
Mar.	5	Placed on Select File	951
Mar.	8	Referred for engrossment	976
Mar.	9	Correctly engrossed	1000
Mar.	12	Final Reading	1091
Mar.	12	Correctly enrolled. President signed	1106
Mar.	12	Presented to Governor	1109
Mar.	15	Explanation of vote	1122
Mar.	15	Explanation of vote	1125
Mar.	16	Approved by Governor	1136

LEGISLATIVE BILL 689. By F. Lewis

Jan.	8	Read first time	129
Jan.	8	Referred to Committee on Government, Military and Veterans Affairs	136
Jan.	13	Notice of hearing	201
Feb.	4	Placed on General File	546
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 690. By Appropriations Committee

Jan.	8	Read first time	132
Jan.	8	Referred to Committee on Appropriations	136
Jan.	13	Notice of hearing	194
Jan.	13	Notice of hearing	195
Mar.	10	Placed on General File	1048
Mar.	15	Nichol amendment printed	1123
Mar.	15	Cavanaugh and Marvel amendments printed	1151
Mar.	16	Chambers amendment printed	1157
Mar.	16	F. Lewis amendment lost	1161
Mar.	17	Dworak amendment offered. Committee amendments divided	1171
Mar.	17	Marvel amendment printed	1177
Mar.	17	Goodrich amendment adopted. Marvel, F. Lewis and Chambers pending amendments adopted	1179
Mar.	17	Dworak amendments lost. Explanation of vote. Kelly amendment lost. Nichol amendment offered. Fowler amendment lost. Nichol amendment withdrawn. Koch amendment lost. Referred for review	1193
Mar.	18	Attorney General Opinion	1198
Mar.	18	Placed on Select File	1208
Mar.	18	George amendment printed	1227
Mar.	18	Warner amendments printed	1234
Mar.	19	George amendment withdrawn. Warner amendment withdrawn temporarily. Laid over	1237
Mar.	19	Attorney General Opinion	1238
Mar.	19	Bereuter amendment printed	1258
Mar.	22	Barnett and Bereuter amendments adopted. Warner pending amendment withdrawn. Warner amendment adopted. Cavanaugh and Kelly amendments lost. Cavanaugh amendment adopted. Referred for engrossment	1265
Mar.	23	Replaced on Select File	1314
Mar.	24	Referred for engrossment	1327
Mar.	25	F. Lewis motion to return to Select File for amendment lost	1417
Mar.	25	Cavanaugh motion to return to Select File for amendment lost	1420

Mar.	25	Correctly engrossed	1423
Mar.	30	Final Reading	1505
Mar.	30	Correctly enrolled. President signed	1515
Mar.	30	Presented to Governor	1520
Apr.	7	Approved by Governor. Line-item veto. Blanket letter	1561
Apr.	7	Approved by Governor. Line-item veto	1563
Apr.	7	Passed over Governor's line-item veto	1598
Apr.	7	Communication. Certificate	1612
Apr.	7	Letter	1623

LEGISLATIVE BILL 691. By Appropriations Committee

Jan.	8	Read first time	132
Jan.	8	Referred to Committee on Appropriations	136
Jan.	8	Notice of hearing	142
Jan.	9	Notice of hearing	148
Jan.	13	Notice of hearing	194
Jan.	13	Notice of hearing	195
Jan.	21	Notice of hearing	316
Mar.	10	Placed on General File	1048
Mar.	12	Barnett amendment printed	1109
Mar.	15	Cavanaugh amendment lost. Clark amendment withdrawn	1126
Mar.	15	Marvel, F. Lewis and Koch amendments adopted. F. Lewis amendment lost. Mahoney, Bereuter and Clark amendments adopted	1130
Mar.	16	Luedtke and Clark amendments adopted	1145
Mar.	16	Portions of Barnett pending amendments adopted, portions lost. Koch amendment lost. DeCamp amendment offered	1146
Mar.	16	Bereuter, F. Lewis and Stull amendments adopted	1149
Mar.	16	Barnett and Keyes amendments lost. Marvel, F. Lewis and Cavanaugh amendments adopted. Referred for review	1157
Mar.	17	Attorney General Opinion	1173
Mar.	17	Marvel amendment printed	1176
Mar.	17	Placed on Select File	1187
Mar.	18	Attorney General Opinion	1199
Mar.	18	Mahoney, Carsten and Clark amendments adopted	1204
Mar.	18	Marvel and DeCamp amendments adopted. Anderson amendment lost. Referred for engrossment	1209
Mar.	18	Returned to Select File for Murphy amendment	1229
Mar.	18	Murphy amendment pending. Laid over	1230
Mar.	19	F. Lewis motion to return to Select File for amendment pending. Murphy pending amendment adopted. Referred for engrossment	1239

Mar.	22	Replaced on Select File	1261
Mar.	22	Referred for engrossment. Returned to Select File for Marvel amendment	1275
Mar.	22	Marvel amendment adopted. Referred for engrossment. F. Lewis pending motion withdrawn. Returned to Select File for Keyes amendment	1276
Mar.	22	Keyes amendment lost. Referred for engrossment. Rumery motion to return to Select File for amendment lost	1277
Mar.	22	Cavanaugh motion to return to Select File for amendment withdrawn	1278
Mar.	22	Replaced on Select File	1293
Mar.	23	Referred for engrossment. Returned to Select File for Schmit amendment	1315
Mar.	23	Schmit amendment adopted. Referred for engrossment	1316
Mar.	23	Explanation of vote	1324
Mar.	24	Replaced on Select File	1337
Mar.	25	Referred for engrossment	1388
Mar.	25	DeCamp motion to return to Select File for amendment lost	1403
Mar.	25	F. Lewis motion to return to Select File for amendment lost. Returned to Select File for Anderson amendment	1404
Mar.	25	Anderson amendment lost. Referred for engrossment	1405
Mar.	25	Returned to Select File for Kremer amendment. Kremer amendment adopted. Referred for engrossment. Returned to Select File for Anderson amendment	1416
Mar.	25	Anderson amendment adopted. Referred for engrossment	1417
Mar.	25	Replaced on Select File	1428
Mar.	25	Referred for engrossment	1430
Mar.	29	Correctly engrossed	1447
Mar.	31	Final Reading	1532
Mar.	31	Correctly enrolled	1538
Mar.	31	President signed	1539
Mar.	31	Presented to Governor	1548
Apr.	7	Approved by Governor. Line-item veto. Blanket letter	1561
Apr.	7	Approved by Governor. Line-item veto	1569
Apr.	7	Motion to override lost	1597
Apr.	7	Communication	1612
Apr.	9	Letter	1622

LEGISLATIVE BILL 692. By Public Health and Welfare Committee

Jan.	8	Read first time	133
Jan.	8	Referred to Committee on Public Health and Welfare	136
Jan.	12	Notice of hearing	177
Jan.	29	Placed on General File	449
Feb.	27	Referred for Review	839
Mar.	2	Placed on Select File	871
Mar.	3	Referred for Engrossment	901
Mar.	4	Correctly engrossed	926
Mar.	9	Final Reading	1003
Mar.	9	Correctly enrolled. President signed	1022
Mar.	10	Presented to Governor	1044
Mar.	12	Approved by Governor	1105

LEGISLATIVE BILL 693. By Maresh

Jan.	8	Read first time	133
Jan.	8	Referred to Committee on Government, Military and Veterans Affairs	136
Jan.	13	Notice of hearing	201
Feb.	12	Maresh motions withdrawn	649
Feb.	20	Placed on General File	732
Mar.	5	Failed to advance for review	950
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 694. By Burrows

Jan.	8	Read first time	133
Jan.	8	Referred to Committee on Public Health and Welfare	136
Jan.	13	Notice of hearing	199
Feb.	4	Attorney General Opinion	531
Mar.	2	Placed on General File	890
Mar.	3	Attorney General Opinion	899
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 695. By Fowler

Jan.	8	Read first time	133
Jan.	8	Referred to Committee on Urban Affairs	136
Jan.	23	Notice of hearing	356
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 696. By Savage

Jan.	8	Read first time	133
Jan.	8	Referred to Committee on Government, Military and Veterans Affairs	136
Jan.	13	Notice of hearing	201
Jan.	27	Placed on General File	383

Jan.	30	Referred for review	484
Feb.	3	Placed on Select File	511
Feb.	4	Referred for engrossment	543
Feb.	6	Correctly engrossed	574
Feb.	11	Final Reading	632
Feb.	12	Correctly enrolled. President signed	647
Feb.	13	Presented to Governor	657
Feb.	23	Approved by Governor	740

LEGISLATIVE BILL 697. By Dworak, Savage

Jan.	8	Read first time	134
Jan.	8	Referred to Committee on Judiciary	136
Jan.	12	Notice of hearing	177
Feb.	4	Placed on General File	545
Feb.	26	F. Lewis amendment printed	803
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 697A. By Dworak, Savage

Feb.	9	Read first time. Placed on General File	606
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 698. By Fowler

Jan.	8	Read first time	134
Jan.	8	Referred to Committee on Government, Military and Veterans Affairs	136
Jan.	13	Notice of hearing	201
Jan.	14	Notice of hearing	206
Feb.	20	Placed on General File	734
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 699. By Hasebroock

Jan.	8	Read first time	137
Jan.	9	Referred to Committee on Government, Military and Veterans Affairs	158
Jan.	13	Notice of hearing	201
Mar.	12	Hasebroock motion to withdraw pending	1113
Mar.	15	Withdrawn	1122

LEGISLATIVE BILL 700. By Simpson

Jan.	8	Read first time	137
Jan.	9	Referred to Committee on Miscellaneous Subjects	158
Jan.	28	Notice of hearing	425
Mar.	8	Attorney General Opinion	969
Mar.	12	Indefinitely postponed	1104

LEGISLATIVE BILL 701. By Dworak

Jan.	8	Read first time	138
Jan.	9	Referred to Committee on Miscellaneous Subjects	158
Jan.	28	Notice of hearing	425
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 702. By Chambers

Jan.	8	Read first time	139
Jan.	9	Referred to Committee on Judiciary	158
Jan.	12	Notice of hearing	177
Feb.	9	Placed on General File	600
Feb.	17	Chambers amendment printed	686
Mar.	4	Attorney General Opinion	923
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 703. By Schmit

Jan.	8	Read first time	139
Jan.	9	Referred to Committee on Public Health and Welfare	161
Jan.	14	Notice of hearing	221
Feb.	26	Placed on General File	795
Mar.	2	Request	888
Mar.	3	Considered. Laid over	910
Mar.	3	Kelly amendment printed	913
Mar.	10	Schmit amendment adopted. Rasmussen and Kelly amendments printed	1052
Mar.	11	Schmit and Dworak amendments adopted	1081
Mar.	11	Fowler amendment printed	1085
Mar.	12	Fowler pending amendment withdrawn. Fowler amendment adopted	1104
Mar.	12	Schmit amendment pending	1106
Mar.	12	Schmit pending amendment adopted. Chambers amendment lost	1107
Mar.	15	Schmit motion to consider pending	1124
Mar.	15	Schmit pending motion lost	1126
Mar.	18	Schmit amendments printed	1230
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 703A. By Public Health and Welfare Committee

Feb.	27	Read first time. Placed on General File	832
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 704. By Stoney

Jan.	8	Read first time	139
Jan.	9	Referred to Committee on Banking, Commerce and Insurance	158

Jan. 13	Notice of hearing	189
Jan. 22	Placed on General File	331
Jan. 30	Referred for review	483
Feb. 6	Placed on Select File	572
Feb. 9	Referred for engrossment	593
Feb. 10	Replaced on Select File	610
Feb. 11	Referred for engrossment	634
Feb. 12	Correctly engrossed	647
Feb. 18	Final Reading	696
Feb. 19	Correctly enrolled. President signed	713
Feb. 20	Presented to Governor	727
Feb. 24	Approved by Governor	760

LEGISLATIVE BILL 705. By Koch

Jan. 8	Read first time	139
Jan. 9	Referred to Committee on Government, Military and Veterans Affairs	158
Jan. 13	Notice of hearing	201
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 706. By Judiciary Committee

Jan. 8	Read first time	139
Jan. 9	Referred to Committee on Judiciary	158
Jan. 12	Notice of hearing	177
Jan. 29	Notice of hearing continued	446
Mar. 3	Placed on General File	910
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 707. By Judiciary Committee

Jan. 8	Read first time	141
Jan. 9	Referred to Committee on Judiciary	158
Jan. 12	Notice of hearing	177
Jan. 29	Notice of hearing continued	446
Mar. 3	Placed on General File	911
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 708. By Savage

Jan. 9	Read first time	146
Jan. 9	Referred to Committee on Agriculture and Environment	158
Jan. 20	Returned to Legislature. Savage motion to withdraw pending	304
Jan. 21	Withdrawn	320

LEGISLATIVE BILL 709. By Nichol

Jan. 9	Read first time	146
Jan. 9	Referred to Committee on Government, Military and Veterans Affairs	158

Jan.	13	Notice of hearing	201
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 710. By Luedtke, Savage

Jan.	9	Read first time	157
Jan.	9	Referred to Committee on Labor	158
Jan.	13	Notice of hearing	200
Feb.	3	Placed on General File	526
Feb.	13	Referred for review	666
Feb.	18	Placed on Select File	690
Feb.	19	Referred for engrossment	715
Feb.	20	Correctly engrossed	733
Feb.	25	Request	777
Mar.	1	Final Reading	852
Mar.	2	Correctly enrolled. President signed	869
Mar.	3	Presented to Governor	898
Mar.	3	Approved by Governor	913

LEGISLATIVE BILL 711. By Cavanaugh

Jan.	9	Read first time	157
Jan.	9	Referred to Committee on Urban Affairs	158
Jan.	12	Notice of hearing	174
Jan.	14	Notice of hearing reset	221
Jan.	16	Notice of hearing cancelled	251
Jan.	20	Notice of hearing reset	291
Feb.	9	Placed on General File	592
Mar.	5	Chambers amendment adopted. Referred for review	948
Mar.	8	Placed on Select File	992
Mar.	9	Referred for engrossment	1014
Mar.	11	Correctly engrossed	1060
Mar.	25	Final Reading	1375
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	29	Approved by Governor	1479

LEGISLATIVE BILL 712. By Fowler

Jan.	9	Read first time	157
Jan.	9	Referred to Committee on Judiciary	158
Jan.	12	Notice of hearing	177
Mar.	3	Indefinitely postponed	908

LEGISLATIVE BILL 713. By Executive Board

Jan.	9	Read first time	160
Jan.	12	Placed on General File	176
Jan.	19	Referred for review	267

Jan. 27	Placed on Select File	380
Jan. 28	Referred for engrossment	427
Jan. 29	Correctly engrossed	452
Feb. 3	Final Reading	520
Feb. 4	Correctly enrolled. President signed	534
Feb. 5	Presented to Governor	552
Feb. 9	Approved by Governor	588

LEGISLATIVE BILL 714. By Marsh

Jan. 9	Read first time	160
Jan. 12	Referred to Committee on Public Health and Welfare	176
Jan. 20	Notice of hearing	291
Feb. 17	Indefinitely postponed	685

LEGISLATIVE BILL 715. By Dickinson

Jan. 9	Read first time	161
Jan. 12	Referred to Committee on Agriculture and Environment	176
Jan. 14	Notice of hearing	206
Jan. 29	Placed on General File	446
Feb. 27	Motion to lay over lost. Cavanaugh motion to indefinitely postpone. Referred for review	840
Mar. 2	Placed on Select File	872
Mar. 3	Referred for engrossment	902
Mar. 5	Correctly engrossed	938
Mar. 10	Final Reading	1029
Mar. 10	Correctly enrolled. President signed	1048
Mar. 11	Presented to Governor	1059
Mar. 12	Approved by Governor	1105

LEGISLATIVE BILL 716. By Dickinson

Jan. 9	Read first time	161
Jan. 12	Referred to Committee on Public Health and Welfare	176
Jan. 13	Notice of hearing	199
Feb. 2	Placed on General File	506
Mar. 12	Referred for review	1110
Mar. 15	Placed on Select File	1128
Mar. 16	Referred for engrossment	1140
Mar. 17	Correctly engrossed	1175
Mar. 29	Final Reading	1468
Mar. 29	Correctly enrolled. President signed	1477
Mar. 29	Presented to Governor	1481
Mar. 30	Explanation of vote	1488
Mar. 30	Approved by Governor	1502

LEGISLATIVE BILL 717. By Constitutional Revision and Recreation Committee

Jan.	9	Read first time	161
Jan.	12	Referred to Committee on Constitutional Revision and Recreation	176
Jan.	13	Notice of hearing	195
Jan.	23	Placed on General File	353
Jan.	30	Referred for review	483
Feb.	3	Placed on Select File	511
Feb.	4	Referred for engrossment	543
Feb.	5	Correctly engrossed	552
Feb.	10	Final Reading	616
Feb.	11	Correctly enrolled. President signed	625
Feb.	12	Presented to Governor	647
Feb.	19	Approved by Governor	712

LEGISLATIVE BILL 718. By Executive Board

Jan.	9	Read first time	161
Jan.	12	Referred to Committee on Judiciary	176
Jan.	21	Notice of hearing	317
Feb.	4	Placed on General File	546
Mar.	5	Referred for review	944
Mar.	8	Placed on Select File	983
Mar.	9	Referred for engrossment	1013
Mar.	10	Correctly engrossed	1044
Mar.	29	Final Reading	1463
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Explanation of vote	1488
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 719. By Swigart

Jan.	9	Read first time	162
Jan.	12	Referred to Committee on Urban Affairs	176
Jan.	23	Notice of hearing	356
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 720. By Stull

Jan.	12	Read first time	169
Jan.	12	Referred to Committee on Revenue	176
Jan.	13	Notice of hearing	194
Feb.	5	Indefinitely postponed	563

LEGISLATIVE BILL 721. By Stull

Jan.	12	Read first time	169
Jan.	12	Referred to Committee on Agriculture and Environment	176
Jan.	14	Notice of hearing	206

Jan. 29	Placed on General File	448
Feb. 20	Referred for review	732
Feb. 24	Placed on Select File	761
Feb. 25	Referred for engrossment	783
Feb. 26	Correctly engrossed	788
Mar. 2	Final Reading	878
Mar. 2	Explanation of vote	882
Mar. 3	Correctly enrolled. President signed	899
Mar. 4	Presented to Governor	926
Mar. 9	Approved by Governor	999

LEGISLATIVE BILL 722. By Rumery

Jan. 12	Read first time	169
Jan. 12	Referred to Committee on Agriculture and Environment	176
Jan. 14	Notice of hearing	206
Jan. 29	Placed on General File	448
Feb. 27	Referred for review	841
Mar. 2	Placed on Select File	872
Mar. 3	Referred for engrossment	902
Mar. 5	Correctly engrossed	938
Mar. 10	Bracketed	1030
Mar. 12	Warner motion to return to Select File for amendment lost. Final Reading	1092
Mar. 12	Correctly enrolled. President signed	1107
Mar. 12	Presented to Governor	1113
Mar. 15	Explanation of vote	1122
Mar. 15	Explanation of vote	1125
Mar. 16	Approved by Governor	1148

LEGISLATIVE BILL 723. By Fowler

Jan. 12	Read first time	174
Jan. 12	Referred to Committee on Judiciary	176
Jan. 21	Notice of hearing	317
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 724. By Nebraska Transportation Advisory Committee

Jan. 12	Read first time	175
Jan. 14	Referred to Committee on Public Works	205
Jan. 15	Notice of hearing	240
Jan. 26	Placed on General File	371
Feb. 13	Stull amendment adopted. Referred for review	672
Feb. 18	Placed on Select File	691
Feb. 19	Referred for engrossment	715
Feb. 20	Correctly engrossed	733

Feb.	25	Final Reading	777
Feb.	26	Correctly enrolled. President signed	788
Feb.	26	Request	801
Mar.	1	Request	853
Mar.	9	Unbracketed	1021
Mar.	9	Presented to Governor	1022
Mar.	12	Approved by Governor	1105

LEGISLATIVE BILL 725. By Bereuter

Jan.	12	Read first time	178
Jan.	14	Referred to Committee on Revenue	205
Jan.	16	Notice of hearing	248
Feb.	5	Indefinitely postponed	569

LEGISLATIVE BILL 726. By Koch

Jan.	12	Read first time	182
Jan.	14	Referred to Committee on Education	205
Jan.	19	Notice of hearing	270
Mar.	18	Indefinitely postponed	1227

LEGISLATIVE BILL 727. By Chambers

Jan.	12	Read first time	183
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	205
Jan.	20	Notice of hearing	292
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 728. By Chambers

Jan.	12	Read first time	183
Jan.	14	Referred to Committee on Revenue	205
Jan.	16	Notice of hearing	248
Feb.	26	Chambers motion to place on General File pending. Indefinitely postponed	802
Feb.	27	Chambers pending motion withdrawn	828

LEGISLATIVE BILL 729. By Revenue Committee

Jan.	12	Read first time	183
Jan.	14	Referred to Committee on Revenue	205
Jan.	16	Notice of hearing	248
Feb.	5	Indefinitely postponed	563

LEGISLATIVE BILL 730. By Revenue Committee

Jan.	12	Read first time	183
Jan.	14	Referred to Committee on Revenue	205
Jan.	16	Notice of hearing	248
Feb.	5	Indefinitely postponed	563

LEGISLATIVE BILL 731. By Revenue Committee

Jan.	12	Read first time	183
Jan.	14	Referred to Committee on Revenue	205
Jan.	16	Notice of hearing	248
Feb.	24	Indefinitely postponed	772

LEGISLATIVE BILL 732. By Fitzgerald

Jan.	12	Read first time	184
Jan.	14	Referred to Committee on Miscellaneous Subjects	205
Jan.	16	Notice of hearing	254
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 733. By Marsh

Jan.	12	Read first time	184
Jan.	14	Referred to Committee on Education	205
Jan.	16	Notice of hearing	250
Jan.	19	Notice of hearing cancelled, reset	270
Jan.	28	Placed on General File	423
Mar.	5	Referred for review	940
Mar.	8	Placed on Select File	982
Mar.	9	Referred for engrossment	1013
Mar.	10	Correctly engrossed	1044
Mar.	15	Explanation of vote	1125
Mar.	17	Explanation of vote correction	1165
Mar.	29	Final Reading	1464
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Explanation of vote	1488
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 734. By Public Health and Welfare Committee

Jan.	12	Read first time	184
Jan.	14	Referred to Committee on Public Health and Welfare	205
Jan.	16	Notice of hearing	250
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 735. By Public Health and Welfare Committee

Jan.	12	Read first time	184
Jan.	14	Referred to Committee on Public Health and Welfare	205
Jan.	14	Notice of hearing	221
Mar.	3	Indefinitely postponed	897

LEGISLATIVE BILL 736. By Keyes

Jan.	12	Read first time	186
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	205
Jan.	20	Notice of hearing	292
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 737. By Clark

Jan.	12	Read first time	186
Jan.	14	Referred to Committee on Constitutional Revision and Recreation	205
Jan.	14	Notice of hearing	221
Jan.	30	Placed on General File	467
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 738. By Cavanaugh

Jan.	12	Read first time	186
Jan.	14	Referred to Committee on Public Works	205
Jan.	15	Notice of hearing	240
Feb.	20	Placed on General File	729
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 739. By Bereuter

Jan.	12	Read first time	187
Jan.	14	Referred to Committee on Judiciary	205
Jan.	21	Notice of hearing	317
Feb.	27	Placed on General File	843
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 740. By Nichol

Jan.	13	Read first time	189
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	205
Jan.	20	Notice of hearing	292
Jan.	23	Returned to Committee	357
Jan.	23	Nichol motion to withdraw pending	358
Jan.	26	Withdrawn	363
Jan.	26	Notice of hearing cancelled	372

LEGISLATIVE BILL 741. By R. Lewis

Jan.	13	Read first time	195
Jan.	14	Referred to Committee on Public Health and Welfare	205
Jan.	20	Notice of hearing	291
Jan.	28	Attorney General Opinion	428
Mar.	1	Placed on General File	865
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 742. By Cope

Jan.	13	Read first time	196
Jan.	14	Referred to Committee on Public Health and Welfare	205
Jan.	16	Notice of hearing	250
Feb.	6	Placed on General File	580
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 743. By Appropriations Committee

Jan.	13	Read first time	196
Jan.	14	Referred to Committee on Appropriations	205
Jan.	21	Notice of hearing	317
Feb.	9	Placed on General File	592
Feb.	24	Referred for review	768
Feb.	26	Placed on Select File	789
Feb.	27	Referred for engrossment	827
Mar.	1	Correctly engrossed	850
Mar.	4	Final Reading	919
Mar.	5	Correctly enrolled. President signed	939
Mar.	5	Presented to Governor	957
Mar.	8	Explanation of vote	971
Mar.	9	Approved by Governor	1006

LEGISLATIVE BILL 744. By Judiciary Committee

Jan.	14	Read first time	206
Jan.	14	Referred to Committee on Judiciary	227
Jan.	21	Notice of hearing	317
Feb.	18	Indefinitely postponed	708

LEGISLATIVE BILL 745. By Judiciary Committee

Jan.	14	Read first time	206
Jan.	14	Referred to Committee on Judiciary	227
Jan.	21	Notice of hearing	317
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 746. By Judiciary Committee

Jan.	14	Read first time	207
Jan.	14	Referred to Committee on Judiciary	227
Jan.	21	Notice of hearing	317
Feb.	26	Placed on General File	814
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 747. By Judiciary Committee

Jan.	14	Read first time	207
Jan.	14	Referred to Committee on Judiciary	227
Jan.	21	Notice of hearing	317
Feb.	17	Placed on General File	682
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 748. By Judiciary Committee

Jan.	14	Read first time	207
Jan.	14	Referred to Committee on Judiciary	227
Jan.	21	Notice of hearing	317
Feb.	18	Indefinitely postponed	708

LEGISLATIVE BILL 749. By Judiciary Committee

Jan.	14	Read first time	207
Jan.	14	Referred to Committee on Judiciary	227
Jan.	21	Notice of hearing	317
Feb.	5	Placed on General File	570
Mar.	5	Referred for review	944
Mar.	8	Placed on Select File	983
Mar.	9	Referred for engrossment	1013
Mar.	10	Correctly engrossed	1044
Mar.	29	Final Reading	1465
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 750. By Judiciary Committee

Jan.	14	Read first time	207
Jan.	14	Referred to Committee on Judiciary	227
Jan.	21	Notice of hearing	317
Feb.	5	Placed on General File	570
Mar.	5	Referred for review	945
Mar.	8	Placed on Select File	983
Mar.	9	Referred for engrossment	1013
Mar.	10	Correctly engrossed	1044
Mar.	29	Final Reading	1465
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 751. By Judiciary Committee

Jan.	14	Read first time	208
Jan.	14	Referred to Committee on Judiciary	227
Jan.	21	Notice of hearing	317
Mar.	8	Placed on General File	976
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 752. By Education Committee

Jan.	14	Read first time	208
Jan.	14	Referred to Committee on Appropriations	227
Jan.	21	Notice of hearing	317
Feb.	13	Placed on General File	668

Feb. 26 F.,Lewis amendment pending. Bracketed 807
Mar. 1 F. Lewis pending amendment adopted. F. Lewis amendment adopted. Murphy amendments withdrawn. Referred for review 862
Mar. 2 Placed on Select File 889
Mar. 3 Murphy amendments re-offered and adopted. Referred for engrossment 902
Mar. 4 Replaced on Select File 916
Mar. 5 Referred for engrossment 939
Mar. 9 Correctly engrossed 1000
Mar. 12 Final Reading 1093
Mar. 12 Correctly enrolled. President signed 1107
Mar. 12 Presented to Governor 1113
Mar. 15 Explanation of vote 1122
Mar. 15 Explanation of vote 1125
Mar. 18 Motion to return bill from Governor lost 1218
Mar. 18 Approved by Governor. Line-item veto 1232
Mar. 18 Attorney General Opinion 1233
Mar. 19 F. Lewis motion to override Governor's veto pending 1239
Mar. 23 F. Lewis pending motion renewed. Passed over Governor's line-item veto 1300
Mar. 23 Communication. Certificate 1305
Mar. 23 Letter 1309

LEGISLATIVE BILL 753. By Education Committee
Jan. 14 Read first time 208
Jan. 14 Referred to Committee on Appropriations 227
Jan. 21 Notice of hearing 317
Feb. 26 Indefinitely postponed 801

LEGISLATIVE BILL 754. By Education Committee
Jan. 14 Read first time 208
Jan. 14 Referred to Committee on Education 227
Jan. 16 Notice of hearing 250
Jan. 19 Notice of hearing cancelled. Reset 270
Mar. 18 Indefinitely postponed 1227

LEGISLATIVE BILL 755. By Education Committee
Jan. 14 Read first time 209
Jan. 14 Referred to Committee on Education 227
Jan. 16 Notice of hearing 250
Mar. 18 Indefinitely postponed 1227

LEGISLATIVE BILL 756. By Education Committee

Jan. 14	Read first time	209
Jan. 14	Referred to Committee on Appropriations	227
Jan. 21	Notice of hearing	317
Feb. 13	Placed on General File	668
Feb. 26	Marvel amendment adopted. Referred for review	808
Mar. 1	Placed on Select File	847
Mar. 2	Referred for engrossment	880
Mar. 3	Correctly engrossed	898
Mar. 8	Final Reading	963
Mar. 8	Correctly enrolled. President signed	994
Mar. 9	Presented to Governor	1000
Mar. 12	Approved by Governor	1105

LEGISLATIVE BILL 757. By Education Committee

Jan. 14	Read first time	209
Jan. 14	Referred to Committee on Education	227
Jan. 16	Notice of hearing	250
Feb. 9	Placed on General File	600
Mar. 5	Referred for review	948
Mar. 8	Placed on Select File	992
Mar. 9	Referred for engrossment	1013
Mar. 11	Correctly engrossed	1060
Mar. 25	Final Reading	1375
Mar. 25	Correctly enrolled. President signed	1391
Mar. 25	Presented to Governor	399
Mar. 29	Approved by Governor	1479

LEGISLATIVE BILL 758. By Education Committee

Jan. 14	Read first time	209
Jan. 14	Referred to Committee on Education	227
Jan. 16	Notice of hearing	250
Feb. 23	Placed on General File	752
Mar. 5	Referred for review	954
Mar. 9	Placed on Select File	1007
Mar. 10	Referred for engrossment	1041
Mar. 12	Correctly engrossed	1089
Mar. 25	Final Reading	1377
Mar. 25	Correctly enrolled. President signed	1391
Mar. 25	Presented to Governor	1399
Mar. 29	Approved by Governor	1479

LEGISLATIVE BILL 759. By Warner

Jan. 14	Read first time	209
Jan. 14	Referred to Committee on Government, Military and Veterans Affairs	227

Jan.	20	Notice of hearing	292
Feb.	20	Placed on General File	732
Mar.	5	Goodrich amendments adopted. Referred for review	952
Mar.	9	Placed on Select File	1007
Mar.	10	Referred for engrossment	1041
Mar.	12	Correctly engrossed	1089
Mar.	25	Final Reading	1378
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	29	Approved by Governor	1479

LEGISLATIVE BILL 760. By Warner

Jan.	14	Read first time	209
Jan.	14	Referred to Committee on Education	227
Jan.	16	Notice of hearing	250
Mar.	11	Placed on General File	1084
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 761. By Education Committee

Jan.	14	Read first time	210
Jan.	14	Referred to Committee on Education	227
Jan.	16	Notice of hearing	250
Jan.	19	Notice of hearing cancelled, reset	270
Feb.	10	Placed on General File	619
Mar.	2	Bereuter amendment adopted	894
Mar.	2	Burrows amendment printed	895
Mar.	3	Burrows amendment adopted. Rasmussen amendment lost. Referred for review	903
Mar.	11	Koch amendment printed	1077
Mar.	11	Placed on Select File	1083
Mar.	12	Koch pending amendment adopted. F. Lewis amendment adopted. Referred for engrossment	1096
Mar.	17	Replaced on Select File	1163
Mar.	18	Referred for engrossment	1203
Mar.	19	Correctly engrossed	1253
Mar.	30	Final Reading	1516
Mar.	30	Correctly enrolled. President signed	1521
Mar.	31	Presented to Governor	1525
Apr.	7	Returned by Governor without approval. Blanket letter	1560
Apr.	7	Returned by Governor without approval	1572
Apr.	7	Passed over Governor's veto	1602
Apr.	7	Communication. Certificate	1613
Apr.	9	Letter	1623

LEGISLATIVE BILL 761A. By F. Lewis

Feb.	27	Read first time. Placed on General File	829
Mar.	3	Referred for review	903
Mar.	11	Placed on Select File	1083
Mar.	12	Referred for engrossment	1096
Mar.	19	Correctly engrossed	1253
Mar.	30	Final Reading	1516
Mar.	30	Correctly enrolled. President signed	1521
Mar.	31	Presented to Governor	1525
Apr.	7	Returned by Governor without approval. Blanket letter	1560
Apr.	7	Returned by Governor without approval	1573
Apr.	7	Passed over Governor's veto	1603
Apr.	7	Communication	1613
Apr.	7	Certificate	1614
Apr.	9	Letter	1623

LEGISLATIVE BILL 762. By Maresh

Jan.	14	Read first time	210
Jan.	14	Referred to Committee on Education	227
Jan.	16	Notice of hearing	250
Jan.	19	Notice of hearing cancelled	270
Jan.	30	Notice of hearing reset	485
Feb.	3	Notice of hearing cancelled, reset	513
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 763. By Savage

Jan.	14	Read first time	210
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	227
Jan.	20	Notice of hearing	291
Feb.	3	Placed on General File	521
Feb.	17	Attorney General Opinion	676
Feb.	26	Committee amendment rejected. Referred for review	814
Mar.	1	Placed on Select File	848
Mar.	1	Schmit amendments printed	861
Mar.	2	Schmit pending amendments adopted. Referred for engrossment	881
Mar.	2	Expedited	890
Mar.	2	Correctly engrossed	895
Mar.	4	Motions lost	921
Mar.	4	Final Reading	922
Mar.	5	Correctly enrolled. President signed	939
Mar.	5	Presented to Governor	957

Mar. 8 Explanation of vote 971
Mar. 11 Mills motion to return bill to Legislature lost 1077
Mar. 12 Approved by Governor 1105

LEGISLATIVE BILL 764. By Bereuter
Jan. 14 Read first time 210
Jan. 14 Referred to Committee on Public Health and Welfare 227
Jan. 16 Notice of hearing 250
Feb. 6 Placed on General File 580
Mar. 5 Referred for review 947
Mar. 8 Placed on Select File 983
Mar. 9 Stull amendment pending. Bracketed 1013
Mar. 15 Stull pending amendment lost. Referred for engrossment 1117
Mar. 16 Correctly engrossed 1142
Mar. 29 Final Reading 1467
Mar. 29 Correctly enrolled. President signed 1477
Mar. 29 Presented to Governor 1481
Mar. 30 Explanation of vote 1488
Apr. 7 Approved by Governor 1557

LEGISLATIVE BILL 765. By Kelly
Jan. 14 Read first time 211
Jan. 14 Referred to Committee on Labor 227
Jan. 16 Re-referred to Committee on Urban Affairs 245
Feb. 26 Indefinitely postponed 809

LEGISLATIVE BILL 766. By Kelly
Jan. 14 Read first time 222
Jan. 14 Referred to Committee on Revenue 227
Jan. 16 Notice of hearing 248
Feb. 5 Indefinitely postponed 563

LEGISLATIVE BILL 767. By Burrows
Jan. 14 Read first time 222
Jan. 14 Referred to Committee on Government, Military and Veterans Affairs 227
Jan. 20 Notice of hearing 292
Feb. 20 Indefinitely postponed 731

LEGISLATIVE BILL 768. By Telecommunications Committee
Jan. 14 Read first time 222
Jan. 14 Referred to Committee on Public Works 227
Jan. 20 Notice of hearing 291
Feb. 13 Placed on General File 670

Feb.	20	Clark amendment printed	737
Feb.	26	Clark pending amendment adopted. Referred for review	813
Feb.	27	Bereuter amendment printed	822
Mar.	1	Placed on Select File	847
Mar.	2	Bereuter amendments withdrawn. Referred for engrossment	880
Mar.	3	Correctly engrossed	905
Mar.	8	Final Reading	964
Mar.	8	Correctly enrolled. President signed	994
Mar.	9	Presented to Governor	1000
Mar.	12	Approved by Governor	1108

LEGISLATIVE BILL 769. By Kime

Jan.	14	Read first time	223
Jan.	14	Referred to Committee on Revenue	227
Jan.	16	Notice of hearing	248
Feb.	5	Indefinitely postponed	563

LEGISLATIVE BILL 770. By Nebraska Retirement Systems Committee

Jan.	14	Read first time	223
Jan.	14	Referred to Committee on Constitutional Revision and Recreation	227
Jan.	20	Notice of hearing	292
Feb.	26	Indefinitely postponed	801

LEGISLATIVE BILL 771. By Clark

Jan.	14	Read first time	223
Jan.	14	Referred to Committee on Constitutional Revision and Recreation	227
Jan.	20	Notice of hearing	292
Feb.	17	Indefinitely postponed	682

LEGISLATIVE BILL 772. By Clark

Jan.	14	Read first time	223
Jan.	14	Referred to Committee on Judiciary	227
Jan.	21	Notice of hearing	317
Feb.	20	Indefinitely postponed	731

LEGISLATIVE BILL 773. By Clark

Jan.	14	Read first time	223
Jan.	14	Referred to Committee on Urban Affairs	227
Jan.	20	Notice of hearing	291
Feb.	18	Placed on General File	693
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 774. By Urban Affairs Committee

Jan.	14	Read first time	224
Jan.	14	Referred to Committee on Urban Affairs	227
Jan.	23	Notice of hearing	356
Feb.	24	Placed on General File	768
Mar.	17	Kelly amendment printed	1166
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 775. By Urban Affairs Committee

Jan.	14	Read first time	224
Jan.	14	Referred to Committee on Urban Affairs	227
Jan.	23	Notice of hearing	356
Feb.	24	Placed on General File	764
Mar.	5	Referred for review	955
Mar.	9	Placed on Select File	1008
Mar.	10	Referred for engrossment	1041
Mar.	12	Correctly engrossed	1089
Mar.	25	Final Reading	1379
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	29	Approved by Governor	1479

LEGISLATIVE BILL 776. By Urban Affairs Committee

Jan.	14	Read first time	224
Jan.	14	Referred to Committee on Urban Affairs	227
Jan.	20	Notice of hearing	291
Feb.	6	Placed on General File	575
Mar.	5	Referred for review	947
Mar.	8	Placed on Select File	983
Mar.	9	Referred for engrossment	1013
Mar.	10	Correctly engrossed	1044
Mar.	29	Final Reading	1466
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Explanation of vote	1488
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 777. By Agriculture and Environment Committee

Jan.	14	Read first time	224
Jan.	14	Referred to Committee on Agriculture and Environment	227
Jan.	19	Notice of hearing	267
Feb.	11	Indefinitely postponed	633

LEGISLATIVE BILL 778. By Agriculture and Environment Committee

Jan.	14	Read first time	224
Jan.	14	Referred to Committee on Agriculture and Environment	227

Jan.	19	Notice of hearing	268
Mar.	5	Placed on General File	945
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 779. By DeCamp

Jan.	14	Read first time	225
Jan.	16	Referred to Committee on Constitutional Revision and Recreation	245
Jan.	20	Notice of hearing	292
Feb.	19	Placed on General File	713
Mar.	5	Rasmussen amendment printed	944
Mar.	5	Rasmussen amendment pending	950
Mar.	10	Attorney General Opinion	1038
Mar.	11	Rasmussen amendment printed	1072
Mar.	16	Rasmussen amendment printed	1144
Mar.	19	Attorney General Opinion	1254
Mar.	24	Rasmussen amendment withdrawn. Rasmussen pending amendment adopted. Referred for review	1330
Mar.	25	Placed on Select File	1395
Mar.	25	Referred for engrossment	1399
Mar.	29	Correctly engrossed	1447
Mar.	31	Final Reading	1534
Mar.	31	Correctly enrolled	1538
Mar.	31	President signed	1539
Mar.	31	Presented to Governor	1548
Apr.	7	Approved by Governor	1567

LEGISLATIVE BILL 780. By Anderson

Jan.	14	Read first time	225
Jan.	16	Referred to Committee on Public Works	245
Jan.	20	Notice of hearing	291
Feb.	23	Indefinitely postponed	747

LEGISLATIVE BILL 781. By Goodrich

Jan.	14	Read first time	225
Jan.	16	Referred to Committee on Public Works	245
Jan.	20	Notice of hearing	291
Feb.	13	Placed on General File	670
Mar.	24	Goodrich amendment adopted. Chambers motion to indefinitely postpone lost. Maresh amendment lost. Rasmussen amendment adopted. Referred for review	1355
Mar.	25	Placed on Select File	1429
Mar.	25	Laid over	1430
Mar.	29	Goodrich amendment adopted. Rasmussen motion to indefinitely postpone pending	1450

Mar.	30	Rasmussen pending motion lost. Referred for engrossment	1500
Mar.	30	Correctly engrossed	1521
Apr.	7	Rasmussen motion to return to Select File for amendment lost	1586
Apr.	7	Final Reading	1590
Apr.	7	Correctly enrolled. President signed	1594
Apr.	7	Presented to Governor	1597
Apr.	9	Returned by Governor without approval	1624

LEGISLATIVE BILL 781A. By Goodrich

Feb.	20	Read first time. Placed on General File	728
Mar.	24	F. Lewis and Goodrich amendments lost. Referred for review	1356
Mar.	25	Placed on Select File	1415
Mar.	25	Referred for engrossment	1418
Mar.	30	Correctly engrossed	1521
Apr.	7	Final Reading	1590

LEGISLATIVE BILL 782. By DeCamp, Kime

Jan.	14	Read first time	225
Jan.	16	Referred to Committee on Judiciary	245
Jan.	21	Notice of hearing	317
Feb.	26	Placed on General File	798
Feb.	27	Chambers and DeCamp amendments adopted. Referred for review	837
Mar.	2	Placed on Select File	870
Mar.	3	Referred for engrossment	901
Mar.	4	Replaced on Select File	916
Mar.	5	Referred for engrossment. Bracketed	939
Mar.	9	Bracketed	1012
Mar.	15	Bracketed	1119
Mar.	15	DeCamp and Kime amendments printed	1130
Mar.	16	Kime motion to return to Select File for amendment pending	1144
Mar.	17	Returned to Select File by Kime's pending motion. DeCamp and Kime amendments incorporated and adopted. Referred for engrossment	1171
Mar.	17	Replaced on Select File	1186
Mar.	18	Referred for engrossment	1204
Mar.	18	Returned to Select File for Kime-DeCamp amendment. Kime-DeCamp amendment adopted. Referred for engrossment	1220
Mar.	19	Correctly engrossed	1253
Mar.	30	Returned to Select File for DeCamp amendment. DeCamp amendment adopted. Referred for re-engrossment	1500

Mar.	30	Correctly re-engrossed	1524
Apr.	7	Chambers motion withdrawn. Final Reading	1591
Apr.	7	Correctly enrolled. President signed	1594
Apr.	7	Presented to Governor	1597
Apr.	14	Approved by Governor	1636

LEGISLATIVE BILL 782A. By Kime, DeCamp

Mar.	8	Read first time. Placed on General File	992
Mar.	24	Kime amendment adopted. Referred for review	1330
Mar.	25	Placed on Select File	1395
Mar.	25	Referred for engrossment	1399
Mar.	29	Correctly engrossed	1447
Apr.	7	Final Reading	1592
Apr.	7	Correctly enrolled. President signed	1594
Apr.	7	Presented to Governor	1597
Apr.	14	Approved by Governor	1636

LEGISLATIVE BILL 783. By Cavanaugh

Jan.	14	Read first time	229
Jan.	16	Referred to Committee on Miscellaneous Subjects	245
Jan.	21	Notice of hearing	322
Mar.	8	Placed on General File	997
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 784. By Chambers

Jan.	14	Read first time	231
Jan.	16	Referred to Committee on Public Works	245
Jan.	20	Notice of hearing	291
Feb.	17	Indefinitely postponed	679

LEGISLATIVE BILL 785. By Marsh

Jan.	14	Read first time	231
Jan.	16	Referred to Committee on Education	245
Jan.	30	Notice of hearing	485
Feb.	3	Notice of hearing cancelled, reset	513
Mar.	12	Placed on General File	1106
Mar.	16	Marsh amendment printed	1138
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 786. By Keyes

Jan.	15	Read first time	233
Jan.	16	Referred to Committee on Revenue	245
Jan.	20	Notice of hearing	287
Feb.	5	Placed on General File	563
Feb.	13	Keyes amendment printed	669

Feb.	26	Keyes and Goodrich amendments adopted. Referred for review	814
Mar.	1	Placed on Select File	849
Mar.	2	Referred for engrossment	881
Mar.	4	Correctly engrossed	926
Mar.	9	Final Reading	1003
Mar.	9	Correctly enrolled. President signed	1022
Mar.	10	Presented to Governor	1044
Mar.	12	Approved by Governor	1105

LEGISLATIVE BILL 787. By Swigart

Jan.	15	Read first time	233
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	245
Jan.	20	Notice of hearing	292
Feb.	10	Placed on General File	609
Mar.	12	Referred for review	1111
Mar.	15	Placed on Select File	1129
Mar.	16	Referred for engrossment	1140
Mar.	17	Correctly engrossed	1175
Mar.	29	Final Reading	1469
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Explanation of vote	1488
Apr.	7	Approved by Governor	1557

LEGISLATIVE BILL 788. By Cavanaugh

Jan.	15	Read first time	238
Jan.	16	Referred to Committee on Miscellaneous Subjects	245
Jan.	28	Notice of hearing	425
Mar.	10	Attorney General Opinion	1036
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 789. By Executive Board

Jan.	15	Read first time	239
Jan.	16	Referred to Committee on Miscellaneous Subjects	245
Jan.	28	Notice of hearing	425
Jan.	30	Placed on General File. Indefinitely postponed. Notice of hearing cancelled	482

LEGISLATIVE BILL 790. By Rumery

Jan.	15	Read first time	239
Jan.	16	Referred to Committee on Urban Affairs	245
Jan.	20	Notice of hearing	291

Feb.	6	Placed on General File	576
Mar.	17	Kelly amendment printed	1166
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 791. By Fowler

Jan.	15	Read first time	239
Jan.	16	Referred to Committee on Public Works	245
Jan.	20	Notice of hearing	291
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 792. By Chambers

Jan.	15	Read first time	239
Jan.	16	Referred to Committee on Public Works	245
Jan.	20	Notice of hearing	291
Mar.	16	Indefinitely postponed	1154

LEGISLATIVE BILL 793. By Dworak

Jan.	15	Read first time	239
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	245
Jan.	20	Notice of hearing	292
Feb.	6	Indefinitely postponed	584

LEGISLATIVE BILL 794. By Public Health and Welfare Committee

Jan.	15	Read first time	239
Jan.	16	Referred to Committee on Public Health and Welfare	245
Jan.	20	Notice of hearing	291
Feb.	18	Placed on General File	699
Mar.	5	Referred for review	949
Mar.	8	Placed on Select File	993
Mar.	9	Referred for engrossment	1014
Mar.	10	Replaced on Select File	1050
Mar.	11	Referred for engrossment	1069
Mar.	12	Correctly engrossed	1114
Mar.	31	Final Reading	1534
Mar.	31	Correctly enrolled	1538
Mar.	31	President signed	1539
Mar.	31	Presented to Governor	1548
Apr.	7	Returned by Governor without approval. Blanket letter	1560
Apr.	7	Returned by Governor without approval	1573
Apr.	7	Passed over Governor's veto	1604
Apr.	7	Communication	1614
Apr.	7	Certificate	1615
Apr.	9	Letter	1623

LEGISLATIVE BILL 794A. By Public Health and Welfare Committee

Mar. 8	Read first time. Placed on General File	992
Mar. 24	Referred for review	1330
Mar. 25	Placed on Select File	1395
Mar. 25	Referred for engrossment	1399
Mar. 29	Correctly engrossed	1447
Mar. 31	Final Reading	1535
Mar. 31	Correctly enrolled	1538
Mar. 31	President signed	1539
Mar. 31	Presented to Governor	1548
Apr. 7	Returned by Governor without approval. Blanket letter	1560
Apr. 7	Returned by Governor without approval	1574
Apr. 7	Passed over Governor's veto	1604
Apr. 7	Communication. Certificate	1615
Apr. 9	Letter	1623

LEGISLATIVE BILL 795. By Kremer

Jan. 15	Read first time	240
Jan. 16	Referred to Committee on Public Works	245
Jan. 20	Notice of hearing	291
Feb. 12	Placed on General File	646
Feb. 26	Referred for review	813
Mar. 1	Placed on Select File	848
Mar. 2	Referred for engrossment	881
Mar. 4	Correctly engrossed	926
Mar. 9	Final Reading	1004
Mar. 9	Correctly enrolled. President signed	1022
Mar. 10	Presented to Governor	1044
Mar. 12	Approved by Governor	1105

LEGISLATIVE BILL 795A. By Kremer

Feb. 20	Read first time. Placed on General File	728
Feb. 26	Referred for review	814
Mar. 1	Placed on Select File	848
Mar. 2	Referred for engrossment	881
Mar. 4	Correctly engrossed	926
Mar. 9	Final Reading	1005
Mar. 9	Correctly enrolled. President signed	1022
Mar. 10	Presented to Governor	1044
Mar. 12	Approved by Governor	1105

LEGISLATIVE BILL 796. By Swigart

Jan. 15	Read first time	240
Jan. 16	Referred to Committee on Urban Affairs	245
Jan. 23	Notice of hearing	356
Feb. 24	Placed on General File	764
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 797. By Burrows

Jan.	15	Read first time	242
Jan.	16	Referred to Committee on Constitutional Revision and Recreation	245
Jan.	20	Notice of hearing	292
Feb.	26	Placed on General File	801
Mar.	2	DeCamp amendments printed	881
Mar.	12	Syas amendment printed	1107
Mar.	12	Committee amendments rejected. Syas amendment adopted. DeCamp amendment withdrawn. Referred for review	1109
Mar.	15	Placed on Select File	1128
Mar.	16	Referred for engrossment	139
Mar.	17	Correctly engrossed	1175
Mar.	22	Final Reading	1263
Mar.	23	Correctly enrolled. President signed	1295
Mar.	23	Presented to Governor	1304
Mar.	25	Approved by Governor	1362

LEGISLATIVE BILL 798. By Agriculture and Environment Committee

Jan.	15	Read first time	242
Jan.	16	Referred to Committee on Appropriations	259
Jan.	27	Notice of hearing	405
Feb.	9	Placed on General File	592
Feb.	24	Referred for review	768
Feb.	26	Placed on Select File	789
Feb.	27	Referred for engrossment	828
Mar.	1	Correctly engrossed	850
Mar.	4	Final Reading	920
Mar.	5	Correctly enrolled. President signed	939
Mar.	5	Presented to Governor	957
Mar.	8	Explanation of vote	971
Mar.	9	Approved by Governor	999

LEGISLATIVE BILL 799. By Executive Board

Jan.	16	Read first time	247
Jan.	16	Referred to Committee on Miscellaneous Subjects	259
Jan.	21	Notice of hearing	322
Mar.	9	Placed on General File	1015
Mar.	24	Bereuter, Murphy and Warner amendments adopted. Bereuter amendment pending	1330
Mar.	24	Cavanaugh and Bereuter amendments adopted. Koch amendment lost. Referred for review	1333
Mar.	25	Placed on Select File	1413

Mar.	25	Considered. Laid over	1418
Mar.	29	Koch amendments adopted. Referred for engrossment	1451
Mar.	29	Returned to Select File for Barnett amendment. Barnett amendment adopted. Referred for engrossment	1476
Mar.	29	Replaced on Select File	1481
Mar.	29	Referred for engrossment	1483
Mar.	30	Correctly engrossed	1487
Apr.	7	Final Reading	1593

LEGISLATIVE BILL 800. By Johnson

Jan.	16	Read first time	247
Jan.	16	Referred to Committee on Agriculture and Environment	259
Jan.	19	Notice of hearing	268
Jan.	22	Notice of hearing cancelled	330
Jan.	28	Notice of hearing reset	425
Mar.	2	Indefinitely postponed	874

LEGISLATIVE BILL 801. By Kelly

Jan.	16	Read first time	248
Jan.	16	Referred to Committee on Miscellaneous Subjects	259
Jan.	28	Notice of hearing	425
Feb.	17	Indefinitely postponed	679

LEGISLATIVE BILL 802. By Keyes

Jan.	16	Read first time	248
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	259
Jan.	20	Notice of hearing	292
Jan.	30	Placed on General File	482
Jan.	30	Indefinitely postponed. Notice of hearing cancelled	483
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 803. By Koch

Jan.	16	Read first time	252
Jan.	16	Referred to Committee on Education	259
Jan.	30	Notice of hearing	484
Feb.	3	Notice of hearing cancelled, reset	513
Feb.	23	Placed on General File	753
Mar.	5	Referred for review	954
Mar.	9	Placed on Select File	1007
Mar.	10	Referred for engrossment	1041

Mar. 12	Correctly engrossed	1089
Mar. 25	Final Reading	1380
Mar. 25	Correctly enrolled. President signed	1391
Mar. 25	Presented to Governor	1399
Mar. 29	Approved by Governor	1479

LEGISLATIVE BILL 804. By F. Lewis

Jan. 16	Read first time	252
Jan. 16	Referred to Committee on Revenue	259
Jan. 26	Notice of hearing	372
Feb. 5	Indefinitely postponed	563

LEGISLATIVE BILL 805. By R. Lewis

Jan. 16	Read first time	252
Jan. 16	Referred to Committee on Government, Military and Veterans Affairs	259
Jan. 20	Notice of hearing	292
Feb. 9	Placed on General File	607
Mar. 5	Referred for review	948
Mar. 8	Placed on Select File	992
Mar. 9	Expedited	1000
Mar. 9	Referred for engrossment	1012
Mar. 9	Correctly engrossed	1022
Mar. 12	Final Reading	1093
Mar. 12	Correctly enrolled. President signed	1107
Mar. 12	Presented to Governor	1113
Mar. 15	Explanation of vote	1122
Mar. 15	Explanation of vote	1125
Mar. 16	Attorney General Opinion	1141
Mar. 16	Approved by Governor	1148

LEGISLATIVE BILL 806. By Public Health and Welfare Committee

Jan. 16	Read first time	252
Jan. 16	Referred to Committee on Public Health and Welfare	259
Jan. 16	Notice of hearing	250
Feb. 19	Placed on General File	722
Mar. 3	Letter	910
Mar. 5	Referred for review	948
Mar. 8	Cavanaugh amendment printed	971
Mar. 9	Placed on Select File	1023
Mar. 10	Bracketed	1042
Mar. 10	Fowler amendments printed	1051
Mar. 11	Cavanaugh amendments printed	1056
Mar. 15	Bracketed	1118

Mar.	15	Fowler amendment printed	1121
Mar.	17	Laid over	1171
Mar.	17	R. Lewis amendments printed	1185
Mar.	18	Cavanaugh and Fowler amendments withdrawn. R. Lewis and Cavanaugh amendments adopted. Referred for engrossment	1203
Mar.	19	Replaced on Select File	1241
Mar.	22	Referred for engrossment	1269
Mar.	23	Replaced on Select File	1317
Mar.	24	Referred for engrossment	1327
Mar.	25	Returned to Select File for Cavanaugh amendment. Cavanaugh amendment adopted. Referred for engrossment	1431
Mar.	29	Correctly engrossed	1447
Mar.	31	Final Reading	1536
Mar.	31	Correctly enrolled	1538
Mar.	31	President signed	1539
Mar.	31	Presented to Governor	1548
Apr.	7	Approved by Governor	1567

LEGISLATIVE BILL 806A. By Public Health and Welfare Committee

Mar.	23	Read first time. Placed on General File	1305
Mar.	24	Referred for review	1330
Mar.	25	Placed on Select File	1396
Mar.	25	Referred for engrossment	1399
Mar.	29	Correctly engrossed	1447
Mar.	31	Final Reading	1537
Mar.	31	Correctly enrolled	1538
Mar.	31	President signed	1539
Mar.	31	Presented to Governor	1548
Apr.	7	Approved by Governor	1567

LEGISLATIVE BILL 807. By Judiciary Committee

Jan.	16	Read first time	253
Jan.	16	Referred to Committee on Judiciary	259
Jan.	21	Notice of hearing	317
Feb.	20	Placed on General File	731
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 808. By Judiciary Committee

Jan.	16	Read first time	253
Jan.	16	Referred to Committee on Constitutional Revision and Recreation	259
Jan.	20	Notice of hearing	292
Feb.	2	Placed on General File	505
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 809. By Cavanaugh

Jan.	16	Read first time	253
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	259
Feb.	4	Notice of hearing	533
Feb.	27	Placed on General File	832
Mar.	3	Referred for review	907
Mar.	4	DeCamp amendments printed	927
Mar.	5	Placed on Select File	938
Mar.	8	DeCamp name added. DeCamp and Stoney amendments adopted. Referred for engrossment	975
Mar.	8	Bracketed	988
Mar.	9	Motion to unbracket lost	1012
Mar.	15	Unbracketed. Bracketed. Stoney amendment printed	1119
Mar.	16	Returned to Select File for Stoney amendment. Stoney amendment adopted. Referred for engrossment. Motion to bracket lost	1143
Mar.	17	Replaced on Select File	1164
Mar.	18	Referred for engrossment	1204
Mar.	19	Correctly engrossed	1253
Mar.	29	Final Reading	1475
Mar.	29	Correctly enrolled. President signed	1483
Mar.	30	Explanation of vote	1488
Mar.	30	Presented to Governor	1493
Apr.	7	Approved by Governor	1557

LEGISLATIVE BILL 810. By Anderson

Jan.	16	Read first time	253
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	259
Jan.	20	Notice of hearing	292
Feb.	20	Indefinitely postponed	731

LEGISLATIVE BILL 811. By Burrows

Jan.	16	Read first time	253
Jan.	16	Referred to Committee on Labor	259
Jan.	22	Notice of hearing	334
Feb.	24	Burrows motion to place on General File pending	766
Feb.	24	Indefinitely postponed	774
Feb.	25	Burrows pending motion lost	779
Feb.	26	Dworak motion to reconsider pending	802
Mar.	1	Dworak pending motion prevailed	853
Mar.	1	Laid over	855
Mar.	1	Burrows pending motion lost	859

LEGISLATIVE BILL 812. By Burbach

Jan.	16	Read first time	254
Jan.	16	Referred to Committee on Constitutional Revision and Recreation	259
Jan.	20	Notice of hearing	292
Feb.	17	Placed on General File	681
Feb.	26	F. Lewis amendment lost. Referred for review	809
Mar.	1	Placed on Select File	847
Mar.	2	Referred for engrossment	880
Mar.	3	Correctly engrossed	905
Mar.	8	Final Reading	964
Mar.	8	Correctly enrolled. President signed	994
Mar.	9	Presented to Governor	1000
Mar.	12	Approved by Governor	1108

LEGISLATIVE BILL 813. By DeCamp

Jan.	16	Read first time	254
Jan.	16	Referred to Committee on Judiciary	259
Jan.	21	Notice of hearing	317
Mar.	3	Placed on General File	912
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 814. By Labor Committee

Jan.	16	Read first time	258
Jan.	19	Referred to Committee on Labor	273
Jan.	22	Notice of hearing	334
Feb.	24	Indefinitely postponed	774

LEGISLATIVE BILL 815. By Fitzgerald

Jan.	16	Read first time	258
Jan.	19	Referred to Committee on Appropriations	273
Jan.	27	Notice of hearing	405
Feb.	26	Indefinitely postponed	801

LEGISLATIVE BILL 816. By Swigart

Jan.	19	Read first time	261
Jan.	19	Referred to Committee on Education	273
Jan.	30	Notice of hearing	484
Feb.	3	Notice of hearing cancelled, reset	513
Mar.	8	Attorney General Opinion	959
Mar.	12	Placed on General File	1108
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 817. By Cavanaugh, Luedtke

Jan.	19	Read first time	264
Jan.	19	Referred to Committee on Constitutional Revision and Recreation	273

Jan. 20	Notice of hearing	292
Feb. 10	Placed on General File	611
Feb. 11	Referred for review	639
Feb. 13	Placed on Select File	657
Feb. 18	Referred for engrossment	697
Feb. 19	Correctly engrossed	713
Feb. 24	Barnett motion to return to Select File for amendment lost. Laid over	764
Feb. 26	Final Reading	792
Feb. 26	Cavanaugh motion to reconsider pending	801
Mar. 3	Cavanaugh pending motion prevailed	906
Mar. 8	Held	965
Mar. 9	Murphy and Kelly motions to return to Select File for amendments lost. Bracketed	1006
Mar. 29	Warner motion to return to Select File for amendment withdrawn. Returned to Select File for DeCamp amendment	1476
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 818. By Simpson

Jan. 19	Read first time	265
Jan. 19	Referred to Committee on Public Health and Welfare	273
Jan. 22	Notice of hearing	331
Mar. 3	Indefinitely postponed	907

LEGISLATIVE BILL 819. By Mills, Dworak

Jan. 19	Read first time	265
Jan. 19	Referred to Committee on Labor	273
Jan. 22	Notice of hearing	334
Mar. 1	Placed on General File	850
Mar. 3	Held	907
Mar. 8	F. Lewis and Schmit amendments lost	988
Mar. 8	Syas amendment offered. Mahoney amendment adopted. Syas amendment lost. Cavanaugh amendment pending	994
Mar. 9	Cavanaugh pending amendment lost. Kelly amendment adopted. Referred for review	1020
Mar. 10	Koch amendment printed	1043
Mar. 10	Mills amendment printed	1047
Mar. 10	Placed on Select File	1050
Mar. 11	Mills amendment adopted. Koch amendment lost. Chambers motion to indefinitely postpone pending	1069
Mar. 12	Chambers pending motion withdrawn. Referred for engrossment	1095
Mar. 12	Keyes motion to return to Select File for amendment pending	1099

Mar.	15	Replaced on Select File	1115
Mar.	16	Referred for engrossment	1139
Mar.	16	Keyes pending motion lost	1142
Mar.	17	Correctly engrossed	1175
Mar.	18	Returned to Select File for Mills amendment	1230
Mar.	18	Mills amendment adopted. Referred for engrossment	1231
Mar.	19	Correctly engrossed	1253
Mar.	25	Final Reading	1419
Mar.	25	Correctly enrolled. President signed	1424
Mar.	25	Presented to Governor	1430
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 820. **By Public Works Committee**

Jan.	19	Read first time	265
Jan.	19	Referred to Committee on Public Works	273
Jan.	20	Notice of hearing	291
Feb.	13	Placed on General File	670
Feb.	27	Referred for review	838
Mar.	2	Placed on Select File	871
Mar.	3	Referred for engrossment	901
Mar.	5	Correctly engrossed	938
Mar.	10	Final Reading	1030
Mar.	10	Correctly enrolled. President signed	1048
Mar.	11	Presented to Governor	1059
Mar.	12	Approved by Governor	1108

LEGISLATIVE BILL 821. **By Public Works Committee**

Jan.	19	Read first time	265
Jan.	19	Referred to Committee on Public Works	273
Jan.	20	Notice of hearing	291
Feb.	23	Placed on General File	746
Mar.	24	Mills motion to indefinitely postpone lost. Referred for review	1344
Mar.	25	Placed on Select File	1415
Mar.	25	Laid over	1418
Mar.	30	Schmit amendment adopted. Mills motion to indefinitely postpone lost	1493
Mar.	30	Failed to advance for engrossment	1498
Mar.	30	Schmit amendment reconsidered. Schmit amendment withdrawn. Referred for engrossment	1506
Mar.	30	Replaced on Select File	1521
Mar.	30	Referred for engrossment. Correctly engrossed	1524
Apr.	7	Final Reading	1594
Apr.	7	Correctly enrolled. President signed	1597
Apr.	7	Presented to Governor	1609
Apr.	14	Approved by Governor	1636

LEGISLATIVE BILL 822. By Warner

Jan.	19	Read first time	265
Jan.	19	Referred to Committee on Urban Affairs	273
Jan.	23	Notice of hearing	356
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 823. By Warner

Jan.	19	Read first time	266
Jan.	19	Referred to Committee on Public Works	273
Jan.	20	Notice of hearing	291
Feb.	18	Placed on General File	693
Mar.	2	Warner amendments printed	892
Mar.	24	Warner amendments withdrawn. Referred for review	1360
Mar.	25	Placed on Select File	1415
Mar.	25	Considered. Laid over	1419
Mar.	29	Schmit and Warner amendments adopted. Referred for engrossment	1451
Mar.	29	Replaced on Select File	1482
Mar.	29	Referred for engrossment	1483
Mar.	30	Correctly engrossed	1493
Apr.	7	Final Reading	1585
Apr.	7	Correctly enrolled. President signed	1589
Apr.	7	Presented to Governor	1594
Apr.	14	Approved by Governor	1636

LEGISLATIVE BILL 824. By Warner

Jan.	19	Read first time	266
Jan.	19	Referred to Committee on Appropriations	273
Jan.	27	Notice of hearing	405
Mar.	11	Attorney General Opinion	1078
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 825. By Marvel

Jan.	19	Read first time	266
Jan.	19	Referred to Committee on Urban Affairs	273
Jan.	23	Notice of hearing	356
Feb.	24	Placed on General File	769
Feb.	27	Referred for review	839
Mar.	2	Placed on Select File	871
Mar.	3	Referred for engrossment	901
Mar.	4	Replaced on Select File	916
Mar.	5	Referred for engrossment	939
Mar.	8	Correctly engrossed	968
Mar.	11	Final Reading	1061
Mar.	12	Correctly enrolled. President signed	1089
Mar.	12	Presented to Governor	1113
Mar.	16	Approved by Governor	1148

LEGISLATIVE BILL 826. By Rumery

Jan.	19	Read first time	266
Jan.	19	Referred to Committee on Agriculture and Environment	273
Jan.	22	Notice of hearing	330
Feb.	11	Placed on General File	633
Mar.	12	Rumery amendment adopted. Referred for review	1111
Mar.	15	Placed on Select File	1129
Mar.	16	Referred for engrossment	1140
Mar.	17	Correctly engrossed	1175
Mar.	31	Final Reading	1540
Mar.	31	Explanation of vote	1547
Mar.	31	Correctly enrolled. President signed	1550
Mar.	31	Presented to Governor	1551
Apr.	7	Returned by Governor without approval Blanket letter	1560
Apr.	7	Returned by Governor without approval	1574

LEGISLATIVE BILL 826A. By Rumery

Mar.	17	Read first time. Placed on General File	1186
Mar.	24	Referred for review	1330
Mar.	25	Placed on Select File	1395
Mar.	25	Referred for engrossment	1399
Mar.	29	Correctly engrossed	1447
Mar.	31	Final Reading	1540
Mar.	31	Explanation of vote	1547
Mar.	31	Correctly enrolled. President signed	1550
Mar.	31	Presented to Governor	551
Apr.	7	Returned by Governor without approval. Blanket letter	1560
Apr.	7	Returned by Governor without approval	1575

LEGISLATIVE BILL 827. By Bereuter

Jan.	19	Read first time	266
Jan.	19	Referred to Committee on Public Works	273
Jan.	20	Notice of hearing	291
Feb.	24	Placed on General File	762
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 828. By Maresh

Jan.	19	Read first time	266
Jan.	19	Referred to Committee on Labor	273
Jan.	22	Notice of hearing	334
Feb.	24	Placed on General File	772
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 829. By Burrows

Jan. 19	Read first time	268
Jan. 19	Referred to Committee on Appropriations	273
Jan. 27	Notice of hearing	405
Jan. 28	Notice of hearing cancelled, reset	435
Feb. 27	Indefinitely postponed	838

LEGISLATIVE BILL 830. By Burrows

Jan. 19	Read first time	268
Jan. 19	Referred to Committee on Public Health and Welfare	273
Jan. 22	Notice of hearing	331
Mar. 3	Indefinitely postponed	907

LEGISLATIVE BILL 831. By Nebraska Retirement Systems Committee

Jan. 19	Read first time	268
Jan. 19	Referred to Committee on Nebraska Retirement Systems	273
Feb. 3	Notice of hearing	526
Feb. 19	Placed on General File	713
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 832. By Stoney

Jan. 19	Read first time	270
Jan. 19	Referred to Committee on Judiciary	273
Jan. 22	Notice of hearing	332
Mar. 8	Re-referred to Committee on Miscellaneous Subjects	997
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 833. By Stoney

Jan. 19	Read first time	270
Jan. 19	Referred to Committee on Education	273
Jan. 30	Notice of hearing	484
Feb. 27	Placed on General File	829
Mar. 3	R. Lewis amendment adopted. Referred for review	906
Mar. 5	Placed on Select File	938
Mar. 8	Referred for engrossment	975
Mar. 9	Correctly engrossed	1000
Mar. 12	Final Reading	1094
Mar. 12	Correctly enrolled. President signed	1107
Mar. 12	Presented to Governor	1113
Mar. 15	Explanation of vote	1122
Mar. 16	Approved by Governor	1148
Mar. 17	Explanation of vote	1165

LEGISLATIVE BILL 834. By Bereuter

Jan.	19	Read first time	271
Jan.	19	Referred to Committee on Constitutional Revision and Recreation	273
Jan.	20	Notice of hearing	292
Feb.	23	Placed on General File	752
Mar.	3	Committee amendments lost	904
Mar.	3	Indefinitely postponed	905

LEGISLATIVE BILL 835. By Bereuter

Jan.	19	Read first time	271
Jan.	19	Referred to Committee on Constitutional Revision and Recreation	273
Jan.	20	Notice of hearing	292
Feb.	18	Indefinitely postponed	701
Feb.	23	Bereuter motion to place on General File pending	756
Feb.	26	Bereuter pending motion lost	798

LEGISLATIVE BILL 836. By Carsten

Jan.	19	Read first time	271
Jan.	19	Referred to Committee on Agriculture and Environment	273
Jan.	22	Notice of hearing	330
Jan.	23	Notice of hearing cancelled	343
Jan.	27	Notice of hearing reset	390
Feb.	24	Indefinitely postponed	764

LEGISLATIVE BILL 837. By Murphy

Jan.	19	Read first time	271
Jan.	19	Referred to Committee on Public Works	273
Jan.	21	Notice of hearing	314
Feb.	13	Placed on General File	671
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 838. By Goodrich

Jan.	19	Read first time	271
Jan.	19	Referred to Committee on Appropriations	273
Jan.	27	Notice of hearing	405
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 839. By Dworak

Jan.	19	Read first time	271
Jan.	19	Referred to Committee on Public Works	273
Jan.	21	Notice of hearing	314
Feb.	23	Placed on General File	746

Mar.	5	Referred for review	954
Mar.	9	Placed on Select File	1007
Mar.	10	Referred for engrossment	1041
Mar.	12	Correctly engrossed	1114
Mar.	25	Final Reading	1380
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	29	Approved by Governor	1479

LEGISLATIVE BILL 840. By Duis

Jan.	19	Read first time	271
Jan.	19	Referred to Committee on Labor	273
Jan.	22	Notice of hearing	334
Feb.	24	Placed on General File	772
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 841. By Agriculture and Environment Committee

Jan.	19	Read first time	272
Jan.	20	Referred to Committee on Agriculture and Environment	282
Jan.	22	Notice of hearing	330
Feb.	11	Placed on General File	633
Mar.	12	Referred for review	1113
Mar.	15	Placed on Select File	1129
Mar.	16	Referred for engrossment	1140
Mar.	17	Correctly engrossed	1175
Mar.	29	Final Reading	1470
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Explanation of vote	1488
Apr.	7	Approved by Governor	1557

LEGISLATIVE BILL 842. By Appropriations Committee

Jan.	19	Read first time	272
Jan.	20	Referred to Committee on Education	282
Jan.	30	Notice of hearing	485
Feb.	3	Notice of hearing cancelled, reset	513
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 843. By Agriculture and Environment Committee

Jan.	19	Read first time	272
Jan.	20	Referred to Committee on Agriculture and Environment	282
Jan.	22	Notice of hearing	330
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 844. By Executive Board

Jan.	19	Read first time	272
Jan.	20	Referred to Committee on Miscellaneous Subjects	282
Jan.	22	Notice of hearing	337
Mar.	12	Indefinitely postponed	1104

LEGISLATIVE BILL 845. By Cope, Kelly

Jan.	19	Read first time	274
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	300
Jan.	26	Notice of hearing	372
Feb.	20	Indefinitely postponed	731

LEGISLATIVE BILL 846. By Bereuter

Jan.	19	Read first time	274
Jan.	20	Referred to Committee on Public Works	300
Jan.	26	Notice of hearing	363
Feb.	13	Placed on General File	671
Feb.	27	Cavanaugh motion to indefinitely postpone lost. Referred for review	842
Mar.	2	Placed on Select File	872
Mar.	3	Referred for engrossment	902
Mar.	5	Correctly engrossed	938
Mar.	10	Final Reading	1031
Mar.	10	Correctly enrolled. President signed	1048
Mar.	11	Presented to Governor	1059
Mar.	12	Approved by Governor	1105

LEGISLATIVE BILL 847. By Goodrich

Jan.	19	Read first time	274
Jan.	20	Referred to Committee on Appropriations	300
Jan.	27	Notice of hearing	405
Feb.	25	Placed on General File	785
Mar.	5	Referred for review	955
Mar.	9	Placed on Select File	1008
Mar.	10	Referred for engrossment	1041
Mar.	12	Correctly engrossed	1114
Mar.	25	Final Reading	1381
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	29	Approved by Governor	1479

LEGISLATIVE BILL 848. By Labor Committee

Jan.	19	Read first time	274
Jan.	20	Referred to Committee on Labor	300
Jan.	22	Notice of hearing	334
Mar.	3	Indefinitely postponed	909

LEGISLATIVE BILL 849. By F. Lewis

Jan.	20	Read first time	278
Jan.	20	Referred to Committee on Miscellaneous Subjects	300
Jan.	22	Notice of hearing	337
Feb.	18	Placed on General File	700
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 849A. By F. Lewis

Feb.	20	Read first time. Placed on General File	731
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 850. By F. Lewis

Jan.	20	Read first time	278
Jan.	20	Referred to Committee on Revenue	300
Jan.	26	Notice of hearing	373
Feb.	2	Notice of hearing cancelled, reset	507
Feb.	26	Indefinitely postponed	812

LEGISLATIVE BILL 851. By F. Lewis

Jan.	20	Read first time	278
Jan.	20	Referred to Committee on Revenue	300
Jan.	26	Notice of hearing	373
Feb.	2	Notice of hearing cancelled, reset	507
Feb.	26	Indefinitely postponed	812

LEGISLATIVE BILL 852. By Education Committee

Jan.	20	Read first time	278
Jan.	20	Referred to Committee on Education	300
Jan.	30	Notice of hearing	484
Feb.	12	Placed on General File	646
Mar.	12	Referred for review	1113
Mar.	15	Placed on Select File	1129
Mar.	16	Kime amendment adopted. Referred for engrossment	1140
Mar.	17	Replaced on Select File	1164
Mar.	18	Referred for engrossment	1204
Mar.	19	Correctly engrossed	1253
Mar.	29	Final Reading	1472
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Explanation of vote	1488
Apr.	7	Approved by Governor	1560

LEGISLATIVE BILL 853. By Education Committee

Jan.	20	Read first time	279
Jan.	20	Referred to Committee on Education	300
Jan.	29	Stull amendment printed	453
Jan.	30	Notice of hearing	484
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 854. By Education Committee

Jan.	20	Read first time	279
Jan.	20	Referred to Committee on Education	300
Jan.	30	Notice of hearing	484
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 855. By Education Committee

Jan.	20	Read first time	279
Jan.	20	Referred to Committee on Education	300
Jan.	30	Notice of hearing	484
Mar.	19	Indefinitely postponed	1253

LEGISLATIVE BILL 856. By Judiciary Committee

Jan.	20	Read first time	279
Jan.	20	Referred to Committee on Judiciary	300
Jan.	22	Notice of hearing	332
Mar.	8	Placed on General File	977
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 857. By Judiciary Committee

Jan.	20	Read first time	279
Jan.	20	Referred to Committee on Judiciary	300
Jan.	22	Notice of hearing	332
Feb.	19	Placed on General File	724
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 858. By Judiciary Committee

Jan.	20	Read first time	280
Jan.	20	Referred to Committee on Judiciary	300
Jan.	22	Notice of hearing	332
Feb.	26	Placed on General File	816
Mar.	5	Referred for review	955
Mar.	9	Placed on Select File	1008
Mar.	10	Referred for engrossment	1041
Mar.	12	Correctly engrossed	1089
Mar.	25	Final Reading	1382
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	29	Approved by Governor	1479

LEGISLATIVE BILL 859. By Judiciary Committee

Jan.	20	Read first time	281
Jan.	20	Referred to Committee on Judiciary	300
Jan.	22	Notice of hearing	332
Feb.	19	Placed on General File	724
Mar.	5	Referred for review	950
Mar.	8	Placed on Select File	993
Mar.	9	Referred for engrossment	1014
Mar.	11	Correctly engrossed	1060
Mar.	25	Final Reading	1376
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	29	Approved by Governor	1479

LEGISLATIVE BILL 860. By R. Lewis

Jan.	20	Read first time	281
Jan.	20	Referred to Committee on Judiciary	300
Jan.	22	Notice of hearing	332
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 861. By Dworak

Jan.	20	Read first time	281
Jan.	20	Referred to Committee on Constitutional Revision and Recreation	300
Jan.	28	Notice of hearing	431
Feb.	25	Placed on General File	784
Feb.	27	F. Lewis and Rasmussen amendments lost. Laid over	828
Feb.	27	Rasmussen and Dickinson amendments lost. Maresh and F. Lewis amendments adopted. Laid over	831
Feb.	27	Mills amendment pending. Bracketed	836
Mar.	2	F. Lewis amendment printed	885
Mar.	2	Rasmussen amendment printed	891
Mar.	3	Rasmussen amendment withdrawn	897
Mar.	3	F. Lewis and Maresh amendments adopted. Referred for review	904
Mar.	5	Placed on Select File	937
Mar.	8	Mills pending amendment adopted. Rasmussen and Maresh amendments lost. Laid over	974
Mar.	8	Dworak and Burbach amendments adopted. Referred for engrossment	985
Mar.	8	Koch motion to return to Select File for amendment lost	987
Mar.	10	Replaced on Select File	1054

Mar.	11	Referred for engrossment. Returned to Select File for Dworak amendment. Dworak amendment adopted. Referred for engrossment.	1076
Mar.	11	Kime motion to return to Select File for amendment lost	1077
Mar.	12	Correctly engrossed	1114
Mar.	17	Skarda motion to return to Select File for amendment withdrawn. Final Reading	1170
Mar.	17	Correctly enrolled. Speaker signed	1186
Mar.	18	Presented to Governor	1200
Mar.	18	Motion ruled out of order	1220
Mar.	19	Approved by Governor	1241

LEGISLATIVE BILL 862. By Luedtke

Jan.	20	Read first time	281
Jan.	20	Referred to Committee on Public Works	300
Jan.	26	Notice of hearing	363
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 863. By Luedtke

Jan.	20	Read first time	281
Jan.	20	Referred to Committee on Revenue	300
Jan.	26	Notice of hearing	373
Mar.	2	Placed on General File	883
Mar.	9	Communication	1025
Mar.	24	Maresh amendment adopted. Chambers amendment lost. Referred for review	1342
Mar.	24	Koch amendment printed	1344
Mar.	25	Placed on Select File	1396
Mar.	25	Koch amendment withdrawn. Referred for engrossment	1400
Mar.	29	Correctly engrossed	1447
Mar.	31	Final Reading	1541
Mar.	31	Explanation of vote	1547
Mar.	31	Correctly enrolled. President signed	1550
Mar.	31	Presented to Governor	1551
Apr.	7	Returned by Governor without approval	1558
Apr.	7	Letter	1559
Apr.	7	Failed to pass over Governor's veto	1606

LEGISLATIVE BILL 864. By Burrows

Jan.	20	Read first time	281
Jan.	20	Referred to Committee on Labor	300
Jan.	22	Notice of hearing	334
Feb.	10	Indefinitely postponed	609

LEGISLATIVE BILL 865. By Syas

Jan.	20	Read first time	282
Jan.	20	Referred to Committee on Judiciary	300
Jan.	22	Notice of hearing	332
Feb.	19	Indefinitely postponed	725

LEGISLATIVE BILL 866. By Koch

Jan.	20	Read first time	282
Jan.	20	Referred to Committee on Education	300
Jan.	30	Notice of hearing	484
Feb.	3	Notice of hearing cancelled, reset	513
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 867. By Koch

Jan.	20	Read first time	283
Jan.	20	Referred to Committee on Appropriations	300
Jan.	27	Notice of hearing	405
Feb.	25	Placed on General File	786
Mar.	18	Referred for review	1231
Mar.	19	Placed on Select File	1244
Mar.	22	Referred for engrossment	1269
Mar.	23	Correctly engrossed	1305
Mar.	30	Final Reading	1518
Mar.	30	Correctly enrolled. President signed	1521
Mar.	31	Presented to Governor	1525
Apr.	7	Approved by Governor	1567

LEGISLATIVE BILL 867A. By Koch

Feb.	27	Read first time. Placed on General File	829
Mar.	18	Referred for review	1231
Mar.	19	Placed on Select File	1244
Mar.	22	Koch amendment adopted. Referred for engrossment	1269
Mar.	23	Correctly engrossed	1305
Mar.	30	Final Reading	1518
Mar.	30	Correctly enrolled. President signed	1521
Mar.	31	Presented to Governor	1525
Apr.	7	Approved by Governor	1567

LEGISLATIVE BILL 868. By Appropriations Committee

Jan.	20	Read first time	283
Jan.	20	Referred to Committee on Appropriations	300
Jan.	27	Notice of hearing	405
Feb.	9	Placed on General File	592
Feb.	23	Bereuter amendment printed	756
Feb.	26	Bereuter amendment pending	802
Feb.	26	Bereuter pending amendment adopted. Referred for review	807

Mar.	1	Placed on Select File	846
Mar.	2	Referred for engrossment	879
Mar.	3	Replaced on Select File	897
Mar.	4	Referred for engrossment	929
Mar.	5	Correctly engrossed	956
Mar.	10	Final Reading	1032
Mar.	10	Correctly enrolled. President signed	1048
Mar.	11	Presented to Governor	1059
Mar.	12	Approved by Governor	1108

LEGISLATIVE BILL 869. By Appropriations Committee

Jan.	20	Read first time	283
Jan.	20	Referred to Committee on Appropriations	300
Jan.	27	Notice of hearing	405
Feb.	9	Placed on General File	592
Feb.	26	Referred for review	807
Mar.	1	Placed on Select File	847
Mar.	2	Referred for engrossment	879
Mar.	3	Correctly engrossed	898
Mar.	4	Bereuter amendment printed	926
Mar.	8	Returned to Select File for Bereuter amendment	965
Mar.	8	Bereuter amendment adopted. Referred for re-engrossment	974
Mar.	9	Replaced on Select File	1007
Mar.	10	Referred for re-engrossment	1040
Mar.	11	Correctly re-engrossed	1059
Mar.	16	Final Reading	1137
Mar.	17	Correctly enrolled. President signed	1175
Mar.	17	Presented to Governor	1185
Mar.	19	Approved by Governor	1241

LEGISLATIVE BILL 870. By Appropriations Committee

Jan.	20	Read first time	283
Jan.	20	Referred to Committee on Education	300
Jan.	20	Clark request to withdraw bill laid over	304
Jan.	21	Withdrawn	320

LEGISLATIVE BILL 871. By Appropriations Committee

Jan.	20	Read first time	283
Jan.	20	Referred to Committee on Appropriations	300
Jan.	27	Notice of hearing	405
Mar.	9	Placed on General File	1011
Mar.	18	Referred for review	1231
Mar.	19	Placed on Select File	1244
Mar.	22	Burbach amendment adopted. Barnett-Anderson amendment lost. Referred for engrossment	1269

Mar. 22	Replaced on Select File	1294
Mar. 23	Referred for engrossment	1315
Mar. 25	Correctly engrossed	1391
Mar. 31	Final Reading	1532
Mar. 31	Correctly enrolled	1538
Mar. 31	President signed	1539
Mar. 31	Presented to Governor	1548
Apr. 7	Approved by Governor	1567

LEGISLATIVE BILL 871A. By Appropriations Committee

Mar. 17	Read first time. Placed on General File	1193
Mar. 18	Referred for review	1235
Mar. 19	Placed on Select File	1244
Mar. 22	Marvel amendment adopted. Referred for engrossment	1272
Mar. 25	Correctly engrossed	1391
Mar. 31	Final Reading	1533
Mar. 31	Correctly enrolled	1538
Mar. 31	President signed	1539
Mar. 31	Presented to Governor	1548
Apr. 7	Approved by Governor	1567

LEGISLATIVE BILL 872. By Miscellaneous Subjects Committee

Jan. 20	Read first time	284
Jan. 20	Referred to Committee on Miscellaneous Subjects	300
Jan. 28	Notice of hearing	425
Mar. 31	Indefinitely postponed	1548

LEGISLATIVE BILL 873. By Miscellaneous Subjects Committee

Jan. 20	Read first time	284
Jan. 20	Referred to Committee on Miscellaneous Subjects	300
Jan. 28	Notice of hearing	425
Mar. 8	Placed on General File	991
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 874. By Miscellaneous Subjects Committee

Jan. 20	Read first time	284
Jan. 20	Referred to Committee on Miscellaneous Subjects	300
Jan. 28	Notice of hearing	425
Mar. 9	Placed on General File	1008
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 875. By Miscellaneous Subjects Committee

Jan.	20	Read first time	284
Jan.	20	Referred to Committee on Miscellaneous Subjects	300
Jan.	28	Notice of hearing	425
Mar.	9	Indefinitely postponed	1018

LEGISLATIVE BILL 876. By Miscellaneous Subjects Committee

Jan.	20	Read first time	285
Jan.	20	Referred to Committee on Miscellaneous Subjects	300
Jan.	28	Notice of hearing	425
Mar.	8	Placed on General File	991
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 877. By Public Health and Welfare Committee

Jan.	20	Read first time	285
Jan.	20	Referred to Committee on Public Health and Welfare	300
Jan.	22	Notice of hearing	331
Feb.	18	Placed on General File	699
Feb.	27	Referred for review	839
Mar.	2	Placed on Select File	871
Mar.	3	Referred for engrossment	901
Mar.	5	Correctly engrossed	938
Mar.	10	Final Reading	1032
Mar.	10	Correctly enrolled. President signed	1048
Mar.	11	Presented to Governor	1059
Mar.	12	Approved by Governor	1105

LEGISLATIVE BILL 878. By Dworak

Jan.	20	Read first time	285
Jan.	20	Referred to Committee on Education	300
Jan.	30	Notice of hearing	484
Feb.	10	Attorney General Opinion	621
Apr.	7	Indefinitely postponed	155

LEGISLATIVE BILL 879. By Bereuter

Jan.	20	Read first time	285
Jan.	20	Referred to Committee on Public Health and Welfare	300
Jan.	26	Notice of hearing	373
Mar.	3	Indefinitely postponed	907

LEGISLATIVE BILL 880. By Bereuter

Jan.	20	Read first time	286
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	300
Jan.	26	Notice of hearing	372
Feb.	20	Placed on General File	736
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 881. By Savage

Jan.	20	Read first time	286
Jan.	20	Referred to Committee on Miscellaneous Subjects	300
Jan.	22	Notice of hearing	337
Feb.	27	Attorney General Opinion	819
Mar.	2	Placed on General File	883
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 882. By Miscellaneous Subjects Committee

Jan.	20	Read first time	286
Jan.	20	Referred to Committee on Miscellaneous Subjects	300
Jan.	28	Notice of hearing	425
Mar.	8	Placed on General File	991
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 883. By Burbach, at request of Governor

Jan.	20	Read first time	286
Jan.	20	Referred to Committee on Appropriations	300
Jan.	27	Notice of hearing	405
Mar.	8	Placed on General File	969
Mar.	23	Marvel amendment adopted. Referred for review	1306
Mar.	25	Placed on Select File	1368
Mar.	25	Referred for engrossment	1397
Mar.	25	Correctly engrossed	1423
Mar.	30	Final Reading	1505
Mar.	30	Correctly enrolled. President signed	1515
Mar.	30	Presented to Governor	1520
Apr.	7	Approved by Governor	1557

LEGISLATIVE BILL 884. By Revenue Committee

Jan.	20	Read first time	286
Jan.	20	Referred to Committee on Revenue	300
Jan.	26	Notice of hearing	372
Feb.	6	Placed on General File	582
Feb.	26	Referred for review	813

Mar.	1	Placed on Select File	848
Mar.	2	Referred for engrossment	880
Mar.	3	Correctly engrossed	905
Mar.	8	Final Reading	965
Mar.	8	Correctly enrolled. President signed	994
Mar.	9	Presented to Governor	1000
Mar.	12	Approved by Governor	1105

LEGISLATIVE BILL 885. By Keyes

Jan.	20	Read first time	286
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	300
Jan.	26	Notice of hearing	372
Feb.	20	Indefinitely postponed	731

LEGISLATIVE BILL 886. By Skarda

Jan.	20	Read first time	293
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	300
Jan.	27	Notice of hearing	383
Feb.	13	Indefinitely postponed	659

LEGISLATIVE BILL 887. By Cavanaugh

Jan.	20	Read first time	293
Jan.	20	Referred to Committee on Education	300
Jan.	30	Notice of hearing	484
Mar.	15	Placed on General File	1134
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 888. By Cavanaugh

Jan.	20	Read first time	293
Jan.	20	Referred to Committee on Revenue	300
Jan.	26	Notice of hearing	372
Feb.	26	Placed on General File	812
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 889. By Cavanaugh

Jan.	20	Read first time	293
Jan.	20	Referred to Committee on Public Works	300
Jan.	26	Notice of hearing	363
Feb.	18	Placed on General File	691
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 890. By Government, Military and Veterans Affairs Committee

Jan.	20	Read first time	293
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	300

Jan.	26	Notice of hearing	372
Feb.	20	Placed on General File	732
Mar.	4	Rasmussen amendment printed	931
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 891. By Simpson

Jan.	20	Read first time	294
Jan.	20	Referred to Committee on Labor	300
Jan.	22	Notice of hearing	334
Feb.	20	Placed on General File	733
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 892. By Judiciary Committee

Jan.	20	Read first time	294
Jan.	20	Referred to Committee on Judiciary	300
Jan.	22	Notice of hearing	332
Feb.	27	Indefinitely postponed	836

LEGISLATIVE BILL 893. By Judiciary Committee

Jan.	20	Read first time	294
Jan.	20	Referred to Committee on Judiciary	300
Jan.	22	Notice of hearing	332
Feb.	26	Indefinitely postponed	816

LEGISLATIVE BILL 894. By Moylan

Jan.	20	Read first time	294
Jan.	20	Referred to Committee on Revenue	300
Jan.	26	Notice of hearing	372
Feb.	6	Indefinitely postponed	584

LEGISLATIVE BILL 895. By Wiltse

Jan.	20	Read first time	295
Jan.	20	Referred to Committee on Judiciary	300
Jan.	22	Notice of hearing	332
Feb.	27	Indefinitely postponed	844

LEGISLATIVE BILL 896. By Wiltse

Jan.	20	Read first time	295
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	300
Jan.	28	Notice of hearing	414
Feb.	18	Placed on General File	697
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 897. By F. Lewis

Jan.	20	Read first time	295
Jan.	20	Referred to Committee on Urban Affairs	300
Jan.	23	Notice of hearing	356
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 898. By Marsh

Jan.	20	Read first time	295
Jan.	20	Referred to Committee on Miscellaneous Subjects	300
Jan.	28	Notice of hearing	425
Mar.	1	Placed on General File	862
Mar.	5	Referred for review	955
Mar.	9	Placed on Select File	1019
Mar.	10	Referred to engrossment	1041
Mar.	12	Correctly engrossed	1089
Mar.	25	Final Reading	1382
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	29	Approved by Governor	1479

LEGISLATIVE BILL 899. By Duis

Jan.	20	Read first time	295
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	300
Jan.	27	Notice of hearing	383
Feb.	6	Placed on General File	574
Mar.	5	Referred for review	945
Mar.	8	Placed on Select File	983
Mar.	9	Referred for engrossment	1013
Mar.	10	Correctly engrossed	1044
Mar.	29	Final Reading	1474
Mar.	29	Correctly enrolled. President signed	1483
Mar.	30	Explanation of vote	1488
Mar.	30	Presented to Governor	1493
Apr.	7	Approved by Governor	1557

LEGISLATIVE BILL 900. By Cope, Duis

Jan.	20	Read first time	296
Jan.	20	Referred to Committee on Revenue	305
Jan.	26	Notice of hearing	372
Feb.	26	Indefinitely postponed	812

LEGISLATIVE BILL 901. By Chambers

Jan.	20	Read first time	296
Jan.	20	Referred to Committee on Miscellaneous Subjects	305
Jan.	28	Notice of hearing	425
Feb.	25	Placed on General File	780
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 902. By Fowler

Jan.	20	Read first time	296
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	305
Jan.	26	Notice of hearing	372
Feb.	23	Placed on General File	744
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 903. By Clark, Marvel

Jan.	20	Read first time	296
Jan.	20	Referred to Committee on Appropriations	305
Jan.	27	Notice of hearing	405
Feb.	12	Placed on General File	646
Feb.	26	Referred for review	807
Feb.	26	Clark amendments printed	811
Feb.	27	Clark amendment printed	829
Mar.	1	Placed on Select File	847
Mar.	2	Clark pending amendments adopted. Clark pending amendment withdrawn. Referred for engrossment	880
Mar.	4	Replaced on Select File	916
Mar.	5	Referred for engrossment	939
Mar.	8	Correctly engrossed	968
Mar.	11	Final Reading	1062
Mar.	12	Correctly enrolled. President signed	1089
Mar.	12	Presented to Governor	1113
Mar.	16	Approved by Governor	1148

LEGISLATIVE BILL 904. By Rasmussen

Jan.	20	Read first time	296
Jan.	20	Referred to Committee on Judiciary	305
Jan.	22	Notice of hearing	332
Feb.	27	Placed on General File	844
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 905. By Appropriations Committee

Jan.	20	Read first time	297
Jan.	20	Referred to Committee on Miscellaneous Subjects	305
Jan.	28	Notice of hearing	425
Mar.	8	Placed on General File	997
Mar.	23	Referred for review	1323
Mar.	25	Placed on Select File	1369
Mar.	25	Referred for engrossment	1398
Mar.	29	Correctly engrossed	1447
Mar.	31	Final Reading	1542
Mar.	31	Explanation of vote	1547

Mar. 31	Correctly enrolled. President signed	1550
Mar. 31	Presented to Governor	1551
Apr. 7	Approved by Governor	1567

LEGISLATIVE BILL 906. By Kremer

Jan. 20	Read first time	297
Jan. 20	Referred to Committee on Education	305
Jan. 30	Notice of hearing	484
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 907. By Dworak

Jan. 20	Read first time	297
Jan. 20	Referred to Committee on Education	305
Jan. 30	Placed on General File. Indefinitely postponed	483
Jan. 30	Notice of hearing	484
Feb. 3	Notice of hearing cancelled	513

LEGISLATIVE BILL 908. By Moylan

Jan. 20	Read first time	297
Jan. 20	Referred to Committee on Judiciary	305
Jan. 22	Notice of hearing	332
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 909. By Moylan

Jan. 20	Read first time	297
Jan. 20	Referred to Committee on Public Health and Welfare	305
Jan. 26	Notice of hearing	373
Mar. 1	Placed on General File	857
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 910. By Bereuter

Jan. 20	Read first time	298
Jan. 20	Referred to Committee on Public Works	305
Jan. 26	Notice of hearing	363
Feb. 23	Indefinitely postponed	747

LEGISLATIVE BILL 911. By Goodrich

Jan. 20	Read first time	298
Jan. 20	Referred to Committee on Agriculture and Environment	305
Jan. 27	Notice of hearing	390
Feb. 11	Placed on General File	633
Mar. 12	Referred for review	1113

Mar.	15	Placed on Select File	1129
Mar.	16	Referred for engrossment	1140
Mar.	17	Replaced on Select File	1164
Mar.	18	Referred for engrossment	1204
Mar.	19	Correctly engrossed	1253
Mar.	29	Final Reading	1472
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Explanation of vote	1488
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 912. By Warner

Jan.	20	Read first time	298
Jan.	20	Referred to Committee on Agriculture and Environment	305
Jan.	27	Notice of hearing	390
Mar.	11	Attorney General Opinion	1064
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 913. By Judiciary Committee

Jan.	20	Read first time	298
Jan.	20	Referred to Committee on Judiciary	305
Jan.	22	Notice of hearing	332
Feb.	27	Indefinitely postponed	836

LEGISLATIVE BILL 914. By F. Lewis

Jan.	20	Read first time	298
Jan.	20	Referred to Committee on Revenue	305
Jan.	26	Notice of hearing	373
Feb.	2	Notice of hearing cancelled, reset	507
Feb.	26	Indefinitely postponed	812

LEGISLATIVE BILL 915. By Stull

Jan.	20	Read first time	299
Jan.	20	Referred to Committee on Public Health and Welfare	305
Jan.	26	Notice of hearing	373
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 916. By Murphy

Jan.	20	Read first time	299
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	305
Jan.	27	Notice of hearing	383
Feb.	13	Placed on General File	669
Mar.	12	Referred for review	1113

Mar.	15	Placed on Select File	1129
Mar.	16	Referred for engrossment	1141
Mar.	17	Correctly engrossed	1175
Mar.	29	Motion withdrawn. Final Reading	1471
Mar.	29	Correctly enrolled. President signed	1477
Mar.	29	Presented to Governor	1481
Mar.	30	Explanation of vote	1488
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 917. By Murphy

Jan.	20	Read first time	299
Jan.	20	Referred to Committee on Public Health and Welfare	305
Jan.	22	Notice of hearing	331
Feb.	2	Murphy amendments printed	486
Feb.	26	Placed on General File	802
Feb.	26	Laid over	814
Mar.	2	Murphy amendment adopted. Referred for review	887
Mar.	4	Placed on Select File	917
Mar.	5	Referred for engrossment	939
Mar.	5	Bracketed	957
Mar.	12	Koch amendment printed	1099
Mar.	15	Murphy amendments printed	1125
Mar.	18	Returned to Select File for Murphy amendment. Murphy amendment adopted. Referred for engrossment	1230
Mar.	19	Replaced on Select File	1248
Mar.	22	Referred for engrossment	1272
Mar.	23	Correctly engrossed	1305
Mar.	29	Returned to Select File for Marsh amendment. Marsh amendment adopted. Referred for re-engrossment	1457
Mar.	29	Correctly re-engrossed	1482
Mar.	31	Chambers motion to return to Select File for amendment lost	1542
Mar.	31	Final Reading	1543
Mar.	31	Correctly enrolled. President signed	1550
Mar.	31	Presented to Governor	1551
Apr.	7	Approved by Governor	1567

LEGISLATIVE BILL 918. By Anderson

Jan.	20	Read first time	299
Jan.	20	Referred to Committee on Revenue	305
Jan.	26	Notice of hearing	373
Feb.	11	Indefinitely postponed	637

LEGISLATIVE BILL 919. By Warner

Jan. 20	Read first time	301
Jan. 20	Referred to Committee on Revenue	305
Jan. 26	Notice of hearing	372
Mar. 15	Placed on General File. Communication	1133
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 920. By Kime

Jan. 20	Read first time	302
Jan. 20	Referred to Committee on Education	305
Jan. 30	Notice of hearing	484
Feb. 12	Placed on General File	646
Mar. 5	Stull amendment withdrawn. Referred for review	949
Mar. 8	Placed on Select File	993
Mar. 9	Laid over	1014
Mar. 15	Stull amendment lost. Stull amendment adopted. F. Lewis motion to indefinitely postpone pending	1117
Mar. 16	F. Lewis pending motion withdrawn. Koch and Stull amendments adopted. Referred for engrossment	1138
Mar. 17	Replaced on Select File	1164
Mar. 18	Referred for engrossment	1203
Mar. 19	Correctly engrossed	1253
Mar. 29	Final Reading	1473
Mar. 29	Correctly enrolled. President signed	1477
Mar. 29	Presented to Governor	1481
Mar. 30	Explanation of vote	1488
Apr. 7	Approved by Governor	1560

LEGISLATIVE BILL 921. By Hasebroock

Jan. 20	Read first time	302
Jan. 20	Referred to Committee on Revenue	305
Jan. 26	Notice of hearing	372
Feb. 5	Indefinitely postponed	563

LEGISLATIVE BILL 922. By Maresh

Jan. 20	Read first time	302
Jan. 21	Referred to Committee on Miscellaneous Subjects	320
Jan. 28	Notice of hearing	425
Mar. 5	Placed on General File	950
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 923. By Schmit

Jan.	20	Read first time	302
Jan.	21	Referred to Committee on Revenue	320
Jan.	26	Notice of hearing	372
Jan.	28	Notice of hearing cancelled, reset	430
Feb.	11	Indefinitely postponed	637

LEGISLATIVE BILL 924. By Schmit

Jan.	20	Read first time	303
Jan.	21	Referred to Committee on Labor	320
Jan.	23	Notice of hearing	356
Mar.	3	Placed on General File	908
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 925. By Schmit

Jan.	20	Read first time	303
Jan.	20	Referred to Committee on Public Health and Welfare	320
Jan.	22	Notice of hearing	334
Jan.	23	Notice of hearing cancelled	356
Jan.	26	Notice of hearing reset	373
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 926. By Schmit

Jan.	20	Read first time	303
Jan.	21	Referred to Committee on Judiciary	320
Jan.	23	Notice of hearing	356
Mar.	8	Placed on General File	977
Mar.	24	Referred for review	1359
Mar.	25	Placed on Select File	1429
Mar.	25	Referred for engrossment	1430
Mar.	29	Correctly engrossed	1447
Mar.	31	Final Reading	1543
Mar.	31	Correctly enrolled. President signed	1550
Mar.	31	Presented to Governor	1551
Apr.	7	Approved by Governor	1567

LEGISLATIVE BILL 927. By Schmit

Jan.	20	Read first time	303
Jan.	21	Referred to Committee on Appropriations	320
Jan.	27	Notice of hearing	405
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 928. By George

Jan.	20	Read first time	303
Jan.	21	Referred to Committee on Constitutional Revision and Recreation	320
Jan.	22	Notice of hearing	334
Feb.	6	Indefinitely postponed	576

LEGISLATIVE BILL 929. By Stull

Jan.	20	Read first time	303
Jan.	21	Referred to Committee on Agriculture and Environment	320
Jan.	28	Notice of hearing	425
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 930. By Banking, Commerce and Insurance Committee

Jan.	20	Read first time	305
Jan.	21	Referred to Committee on Banking, Commerce and Insurance	320
Jan.	27	Notice of hearing	383
Feb.	18	Placed on General File	691
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 931. By DeCamp

Jan.	20	Read first time	305
Jan.	21	Referred to Committee on Miscellaneous Subjects	320
Jan.	28	Notice of hearing	425
Mar.	31	Indefinitely postponed	1548

LEGISLATIVE BILL 932. By DeCamp

Jan.	20	Read first time	305
Jan.	21	Referred to Committee on Miscellaneous Subjects	320
Jan.	28	Notice of hearing	425
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 933. By DeCamp

Jan.	20	Read first time	305
Jan.	21	Referred to Committee on Agriculture and Environment	320
Jan.	28	Notice of hearing	425
Mar.	2	Placed on General File	873
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 934. By DeCamp, Schmit

Jan. 20	Read first time	306
Jan. 21	Referred to Committee on Government, Military and Veterans Affairs	321
Jan. 21	Schmit name withdrawn	320
Jan. 26	Notice of hearing	373
Mar. 2	Placed on General File	890
Mar. 31	Explanation of vote	1547
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 935. By DeCamp

Jan. 20	Read first time	306
Jan. 21	Referred to Committee on Public Works	321
Feb. 3	Notice of hearing	525
Mar. 16	Indefinitely postponed	1154

LEGISLATIVE BILL 936. By George

Jan. 20	Read first time	306
Jan. 21	Referred to Committee on Banking, Commerce and Insurance	321
Jan. 27	Notice of hearing	383
Feb. 12	Indefinitely postponed	653

LEGISLATIVE BILL 937. By Anderson

Jan. 20	Read first time	306
Jan. 21	Referred to Committee on Constitutional Revision and Recreation	321
Jan. 28	Notice of hearing	431
Feb. 25	Placed on General File	784
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 937A. By Anderson

Mar. 12	Read first time. Placed on General File	1109
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 938. By Anderson

Jan. 20	Read first time	306
Jan. 21	Referred to Committee on Banking, Commerce and Insurance	321
Jan. 28	Notice of hearing	414
Mar. 2	Indefinitely postponed	890

LEGISLATIVE BILL 939. By Goodrich

Jan. 20	Read first time	306
Jan. 21	Referred to Committee on Appropriations	321
Jan. 27	Notice of hearing	405
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 940. By Appropriations Committee

Jan.	20	Read first time	307
Jan.	21	Referred to Committee on Education	321
Jan.	30	Notice of hearing	484
Feb.	26	Placed on General File	811
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 941. By Keyes

Jan.	20	Read first time	307
Jan.	21	Referred to Committee on Constitutional Revision and Recreation	321
Jan.	28	Notice of hearing	431
Feb.	20	Indefinitely postponed	732

LEGISLATIVE BILL 942. By Schmit

Jan.	20	Read first time	307
Jan.	21	Referred to Committee on Judiciary	321
Jan.	23	Notice of hearing	356
Feb.	27	Indefinitely postponed	836

LEGISLATIVE BILL 943. By Banking, Commerce and Insurance Committee

Jan.	20	Read first time	307
Jan.	21	Referred to Committee on Banking, Commerce and Insurance	321
Jan.	27	Notice of hearing	383
Feb.	18	Placed on General File	691
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 944. By Appropriations Committee

Jan.	20	Read first time	307
Jan.	21	Referred to Committee on Appropriations	321
Jan.	27	Notice of hearing	405
Feb.	9	Placed on General File	592
Feb.	26	Referred for review	807
Mar.	1	Placed on Select File	847
Mar.	2	Referred for engrossment	880
Mar.	3	Correctly engrossed	898
Mar.	8	Final Reading	966
Mar.	8	Correctly enrolled. President signed	994
Mar.	9	Presented to Governor	1000
Mar.	12	Approved by Governor	1105

LEGISLATIVE BILL 945. By Urban Affairs Committee

Jan.	20	Read first time	308
Jan.	21	Referred to Committee on Urban Affairs	321

Jan.	23	Returned to Legislature. Fowler motion to withdraw pending	358
Jan.	26	Withdrawn	363

LEGISLATIVE BILL 946. By Swigart

Jan.	20	Read first time	308
Jan.	21	Referred to Committee on Government, Military and Veterans Affairs	321
Jan.	26	Notice of hearing	373
Feb.	27	Indefinitely postponed	841

LEGISLATIVE BILL 947. By Luedtke

Jan.	20	Read first time	308
Jan.	21	Referred to Committee on Education	321
Jan.	30	Notice of hearing	484
Feb.	26	Placed on General File	811
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 948. By Murphy

Jan.	20	Read first time	308
Jan.	21	Referred to Committee on Banking, Commerce and Insurance	321
Jan.	22	Notice of hearing	330
Feb.	3	Placed on General File	521
Feb.	4	Murphy amendment printed	549
Mar.	12	Murphy amendment printed	1106
Mar.	12	Murphy pending amendment adopted. Murphy pending amendment withdrawn. Referred for review	1111
Mar.	15	Placed on Select File	1128
Mar.	16	Referred for engrossment	1140
Mar.	18	Murphy amendments printed	1200
Mar.	18	Bracketed	1220
Mar.	19	Unbracketed	1239
Mar.	19	Returned to Select File for Murphy amendment. Murphy amendment adopted. Referred for engrossment	1240
Mar.	19	Replaced on Select File	1253
Mar.	22	Referred for engrossment	1272
Mar.	23	Replaced on Select File	1315
Mar.	24	Referred for engrossment	1327
Mar.	24	Correctly engrossed	1344
Mar.	30	Final Reading	1513
Mar.	30	Correctly enrolled. President signed	1515
Mar.	30	Presented to Governor	1520
Apr.	7	Approved by Governor	1557

LEGISLATIVE BILL 949. By Schmit

Jan. 20	Read first time	308
Jan. 21	Referred to Committee on Agriculture and Environment	321
Jan. 27	Notice of hearing	390
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 950. By DeCamp

Jan. 20	Read first time	308
Jan. 21	Referred to Committee on Public Works	321
Jan. 26	Notice of hearing	363
Feb. 12	Indefinitely postponed	646

LEGISLATIVE BILL 951. By Keyes

Jan. 20	Read first time	308
Jan. 21	Referred to Committee on Banking, Commerce and Insurance	321
Jan. 28	Notice of hearing	414
Feb. 26	Indefinitely postponed	809

LEGISLATIVE BILL 952. By Miscellaneous Subjects Committee

Jan. 20	Read first time	309
Jan. 21	Referred to Committee on Miscellaneous Subjects	321
Jan. 28	Notice of hearing	425
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 953. By Education Committee

Jan. 20	Read first time	309
Jan. 21	Referred to Committee on Education	321
Jan. 30	Notice of hearing	484
Mar. 11	Placed on General File	1085
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 954. By Agriculture and Environment Committee

Jan. 20	Read first time	309
Jan. 21	Referred to Committee on Agriculture and Environment	321
Jan. 22	Notice of hearing	330
Mar. 5	Placed on General File	945
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 955. By Public Works Committee

Jan. 20	Read first time	309
Jan. 21	Referred to Committee on Public Works	321
Jan. 26	Notice of hearing	363
Feb. 23	Indefinitely postponed	752

LEGISLATIVE BILL 956. By F. Lewis

Jan.	20	Read first time	309
Jan.	21	Placed on General File	322
Jan.	30	Referred to Reference Committee	483
Feb.	2	Referred to Committee on Miscellaneous Subjects	502
Feb.	4	Notice of hearing	541
Mar.	8	Placed on General File	997
Mar.	10	Attorney General Opinion	1035
Mar.	17	Anderson amendment printed	1165
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 957. By George

Jan.	20	Read first time	310
Jan.	21	Referred to Committee on Urban Affairs	322
Jan.	23	Notice of hearing	356
Feb.	25	Indefinitely postponed	784

LEGISLATIVE BILL 958. By Schmit

Jan.	20	Read first time	310
Jan.	21	Referred to Committee on Banking, Commerce and Insurance	322
Jan.	28	Notice of hearing	414
Mar.	19	Attorney General Opinion	1255
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 959. By Schmit

Jan.	20	Read first time	310
Jan.	21	Referred to Committee on Revenue	322
Jan.	26	Notice of hearing	373
Feb.	24	Indefinitely postponed	772

LEGISLATIVE BILL 960. By Luedtke

Jan.	20	Read first time	310
Jan.	21	Referred to Committee on Banking, Commerce and Insurance	322
Jan.	28	Notice of hearing	414
Feb.	18	Placed on General File	701
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 961. By Goodrich

Jan.	20	Read first time	310
Jan.	21	Referred to Committee on Miscellaneous Subjects	322
Jan.	28	Notice of hearing	425
Mar.	1	Placed on General File	862

Mar.	5	Dworak amendments adopted. Referred for review	955
Mar.	9	Placed on Select File	1019
Mar.	10	Referred for engrossment	1042
Mar.	12	Correctly engrossed	1089
Mar.	25	Final Reading	1383
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	29	Approved by Governor	1479

LEGISLATIVE BILL 962. By Anderson

Jan.	20	Read first time	310
Jan.	21	Referred to Committee on Constitutional Revision and Recreation	322
Jan.	28	Notice of hearing	431
Feb.	20	Indefinitely postponed	733

LEGISLATIVE BILL 963. By Chambers

Jan.	20	Read first time	311
Jan.	21	Referred to Committee on Judiciary	322
Jan.	23	Notice of hearing	356
Mar.	3	Placed on General File	908
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 964. By Dworak

Jan.	20	Read first time	311
Jan.	21	Referred to Committee on Banking, Commerce and Insurance	322
Jan.	28	Notice of hearing	414
Mar.	1	Placed on General File	854
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 965. By Education Committee

Jan.	20	Read first time	311
Jan.	21	Referred to Committee on Education	322
Jan.	30	Notice of hearing	484
Mar.	11	Placed on General File	1085
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 966. By Nichol

Jan.	20	Read first time	311
Jan.	21	Referred to Committee on Miscellaneous Subjects	322
Jan.	28	Notice of hearing	425
Mar.	9	Placed on General File	1010
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 967. By George

Jan.	22	Read first time	332
Jan.	22	Referred to Committee on Government, Military and Veterans Affairs	337
Jan.	26	Notice of hearing	373
Feb.	27	Placed on General File	841
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 968. By DeCamp

Jan.	22	Read first time. Referred to Committee on Public Health and Welfare	337
Jan.	26	Notice of hearing	373
Mar.	1	Placed on General File	866
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 969. By Public Works Committee

Jan.	23	Read first time	343
Jan.	23	Referred to Committee on Public Works	357
Jan.	27	Notice of hearing	410
Feb.	23	Placed on General File	752
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 970. By Labor Committee

Jan.	23	Read first time	344
Jan.	23	Referred to Committee on Labor	357
Jan.	29	Notice of hearing	440
Mar.	3	Placed on General File	909
Apr.	7	Indefinitely postoned	1555

LEGISLATIVE BILL 971. By Burbach, at request of Governor

Jan.	26	Read first time	371
Jan.	26	Referred to Committee on Nebraska Retirement Systems	372
Feb.	3	Notice of hearing	526
Feb.	17	Placed on General File	679
Feb.	26	Referred for review	813
Mar.	1	Placed on Select File	848
Mar.	1	Marsh amendment printed	853
Mar.	2	Marsh pending amendment lost. Referred for engrossment	881
Mar.	3	Correctly engrossed	905
Mar.	8	Final Reading	967
Mar.	8	Correctly enrolled. President signed	994
Mar.	9	Presented to Governor	1000
Mar.	12	Approved by Governor	1105

LEGISLATIVE BILL 971A. By Burbach, at request of Governor

Jan.	28	Read first time. Placed on General File	414
Feb.	26	Referred for review	813
Mar.	1	Placed on Select File	848
Mar.	2	Referred for engrossment	881
Mar.	3	Correctly engrossed	905
Mar.	8	Final Reading	968
Mar.	8	Correctly enrolled. President signed	994
Mar.	9	Presented to Governor	1000
Mar.	12	Approved by Governor	1105

LEGISLATIVE BILL 972. By Burbach, at request of Governor

Jan.	26	Read first time. Referred to Committee on Appropriations	372
Jan.	27	Notice of hearing	405
Mar.	10	Placed on General File	1048
Mar.	12	Message from Governor	1096
Mar.	17	Marvel amendments printed	1187
Mar.	19	Marvel amendments printed	1256
Mar.	23	Marvel pending amendments adopted	1300
Mar.	23	Marvel pending amendments adopted. Marvel pending amendment withdrawn. Barnett and Burrows amendments adopted. Referred for review	1301
Mar.	25	Placed on Select File	1370
Mar.	25	Referred for engrossment	1398
Mar.	25	Correctly engrossed	1423
Mar.	30	Final Reading	1503
Mar.	30	Correctly enrolled. President signed	1515
Mar.	30	Presented to Governor	1520
Apr.	7	Approved by Governor. Line-item veto. Blanket letter	1561
Apr.	7	Approved by Governor. Line-item veto	1565
Apr.	7	Failed to pass over Governor's line-item veto	1599
Apr.	7	Communication	1616
Apr.	9	Letter	1622

LEGISLATIVE BILL 973. By Public Health and Welfare Committee

Jan.	27	Read first time	383
Jan.	27	Referred to Committee on Public Health and Welfare	390
Jan.	28	Notice of hearing	430
Mar.	2	Indefinitely postponed	894

LEGISLATIVE BILL 974. By Burbach, at request of Governor

Jan.	28	Read first time	414
Jan.	28	Referred to Committee on Public Health and Welfare	430
Feb.	3	Notice of hearing	521
Mar.	1	Placed on General File	866
Mar.	5	Referred for review	956
Mar.	9	Placed on Select File	1020
Mar.	10	Referred for engrossment	1042
Mar.	11	Replaced on Select File	1083
Mar.	12	Referred for engrossment	1095
Mar.	12	Correctly engrossed	1113
Mar.	25	Final Reading	1384
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	29	Approved by Governor	1479

LEGISLATIVE BILL 975. By Burbach, at request of Governor

Jan.	28	Read first time	415
Jan.	28	Referred to Committee on Appropriations	430
Jan.	29	Notice of hearing	450
Feb.	12	Indefinitely postponed	647

LEGISLATIVE BILL 976. By Burbach, at request of Governor

Jan.	28	Read first time	415
Jan.	28	Referred to Committee on Appropriations	430
Jan.	29	Notice of hearing	450
Feb.	12	Indefinitely postponed	647

LEGISLATIVE BILL 977. By Burbach, at request of Governor

Jan.	28	Read first time	415
Jan.	28	Referred to Committee on Appropriations	430
Jan.	29	Notice of hearing	450
Feb.	9	Placed on General File	593
Feb.	24	Referred for review	768
Feb.	26	Placed on Select File	789
Feb.	27	Referred for engrossment	828
Mar.	1	Correctly engrossed	850
Mar.	4	Final Reading	920
Mar.	5	Correctly enrolled. President signed	939
Mar.	5	Presented to Governor	957
Mar.	8	Explanation of vote	971
Mar.	9	Approved by Governor	999

LEGISLATIVE BILL 978. By Burbach, at request of Governor

Jan.	28	Read first time	415
Jan.	28	Referred to Committee on Public Health and Welfare	430
Feb.	3	Notice of hearing	521
Mar.	1	Placed on General File	866
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 979. By Burbach, at request of Governor

Jan.	28	Read first time	415
Jan.	28	Referred to Committee on Appropriations	430
Feb.	2	Notice of hearing	507
Feb.	12	Indefinitely postponed	647

LEGISLATIVE BILL 980. By Burbach, at request of Governor

Jan.	28	Read first time	415
Jan.	28	Referred to Committee on Appropriations	430
Feb.	2	Notice of hearing	507
Feb.	12	Indefinitely postponed	647

LEGISLATIVE BILL 981. By Burbach, at request of Governor

Jan.	28	Read first time	416
Jan.	28	Referred to Committee on Banking, Commerce and Insurance	430
Feb.	4	Notice of hearing	533
Feb.	27	Placed on General File	839
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 982. By Burbach, at request of Governor

Jan.	28	Read first time	416
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	430
Feb.	3	Notice of hearing	526
Feb.	20	Indefinitely postponed	731

LEGISLATIVE BILL 983. By Burbach, at request of Governor

Jan.	28	Read first time	416
Jan.	28	Referred to Committee on Education	430
Feb.	3	Notice of hearing	513
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 984. By Burbach, at request of Governor

Jan.	28	Read first time	416
Jan.	28	Referred to Committee on Appropriations	430
Feb.	2	Notice of hearing	507

Mar.	10	Placed on General File	1046
Mar.	16	Mills, Cavanaugh and Marvel amendments printed	1150
Mar.	23	Carsten, Savage and Mills amendments adopted. Schmit amendment lost	1306
Mar.	23	Burrows and Maresh amendments lost. Bereuter amendment adopted. Schmit amendment reconsidered, lost. Bereuter amendments adopted. Referred for review	1309
Mar.	25	Placed on Select File	1368
Mar.	25	Savage and Chambers amendments adopted. Referred for engrossment	1400
Mar.	25	Replaced on Select File	1413
Mar.	25	Referred for engrossment	1418
Mar.	29	Replaced on Select File	1442
Mar.	29	Referred for engrossment	1449
Mar.	29	Correctly engrossed	1484
Mar.	31	Final Reading	1539
Mar.	31	Correctly enrolled. President signed	1550
Mar.	31	Presented to Governor	1551
Apr.	7	Explanation of vote	1554
Apr.	7	Approved by Governor. Line-item veto. Blanket letter	1561
Apr.	7	Approved by Governor. Line-item veto	1576
Apr.	7	Failed to pass over Governor's line-item veto	1600
Apr.	7	Communication	1616
Apr.	9	Letter	1622

LEGISLATIVE BILL 985. By Burbach, at request of Governor

Jan.	28	Read first time	416
Jan.	28	Referred to Committee on Appropriations	430
Jan.	29	Notice of hearing	450
Feb.	25	Placed on General File	786
Mar.	23	Indefinitely postponed	1323

LEGISLATIVE BILL 986. By Executive Board

Jan.	29	Read first time	452
Jan.	29	Referred to Committee on Miscellaneous Subjects	453
Feb.	4	Notice of hearing	541
Mar.	1	Placed on General File	862
Mar.	23	Savage amendments printed	1313
Mar.	24	Savage amendments adopted. Referred for review	1341
Mar.	25	Placed on Select File	1396
Mar.	25	Referred for engrossment	1399

Mar.	29	Returned to Select File for Savage amendment. Savage amendment adopted. Referred for engrossment	1451
Mar.	29	Correctly engrossed	1484
Mar.	31	Final Reading	1544
Mar.	31	Correctly enrolled. President signed	1550
Mar.	31	Presented to Governor	1551
Apr.	7	Approved by Governor	1567

LEGISLATIVE BILL 987. By Executive Board

Jan.	30	Read first time	480
Jan.	30	Referred to Committee on Miscellaneous Subjects	482
Feb.	4	Notice of hearing	541
Mar.	12	Placed on General File	1100
Mar.	24	Anderson, Chambers and Cavanaugh amendments adopted. Keyes motion to indefinitely postpone lost. Barnett and Luedtke amendments adopted. F. Lewis amendment lost. Bereuter amendment adopted. Kelly amendment lost. R. Lewis amendment adopted. Dickinson amendment lost. Maresh, Marsh, Luedtke, Warner, Bereuter and Dickinson amendments adopted. Chambers, Mills and Cavanaugh amendments lost. Warner amendments withdrawn. Dickinson amendment adopted. Burrows motion to indefinitely postpone lost. Referred for review	1346
Mar.	29	Placed on Select File	1443
Mar.	29	Koch amendments adopted. Koch amendment lost	1477
Mar.	29	Dworak amendment lost. Dworak amendment adopted. Warner amendments adopted. Warner amendments lost	1480
Mar.	29	Marvel amendments adopted. Goodrich amendment lost	1483
Mar.	30	Chambers and DeCamp amendments lost. Motion to reconsider Koch amendment lost. Warner amendments adopted. Chambers motion to indefinitely postpone lost. Dickinson amendment adopted. F. Lewis amendment lost	1488
Mar.	30	Referred for engrossment	1493
Mar.	30	Returned to Select File for Bereuter amendment. Bereuter amendment adopted. Referred for engrossment	1499
Mar.	30	Replaced on Select File	1522

Mar.	30	Referred for engrossment. Correctly engrossed	1524
Mar.	31	Warner motion to return to Select File for amendment withdrawn	1538
Apr.	7	Final Reading	1595
Apr.	7	Correctly enrolled. President signed	1597
Apr.	7	Presented to Governor	1609
Apr.	14	Approved by Governor	1636

LEGISLATIVE BILL 988. By Labor Committee

Jan.	30	Read first time	481
Feb.	2	Referred to Committee on Labor	502
Feb.	3	Notice of hearing	526
Mar.	10	Indefinitely postponed	1047

LEGISLATIVE BILL 989. By Labor Committee

Jan.	30	Read first time	481
Feb.	2	Referred to Committee on Labor	502
Feb.	3	Notice of hearing	526
Mar.	8	Placed on General File	987
Mar.	22	Maresh amendments printed	1293
Mar.	23	Maresh amendments adopted. Referred for review	1313
Mar.	25	Placed on Select File	1368
Mar.	25	Referred for engrossment	1397
Mar.	25	Replaced on Select File	1413
Mar.	25	Referred for engrossment	1418
Mar.	29	Correctly engrossed	1447
Mar.	31	Final Reading	1545
Mar.	31	Correctly enrolled. President signed	1550
Mar.	31	Presented to Governor	1551
Apr.	7	Approved by Governor	1567

LEGISLATIVE BILL 990. By Mahoney, at request of Governor

Jan.	30	Read first time	481
Feb.	2	Referred to Committee on Judiciary	502
Feb.	5	Notice of hearing	570
Mar.	3	Placed on General File	908
Mar.	8	Referred for review	958
Mar.	9	Placed on Select File	1020
Mar.	10	Referred for engrossment	1042
Mar.	12	Correctly engrossed	1089
Mar.	25	Final Reading	1384
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	29	Approved by Governor	1479

LEGISLATIVE BILL 991. By Mahoney, at request of Governor

Jan.	30	Read first time	481
Feb.	2	Referred to Committee on Banking, Commerce and Insurance	502
Feb.	4	Notice of hearing	533
Mar.	1	Placed on General File	859
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 992. By Mahoney, at request of Governor

Jan.	30	Read first time	481
Feb.	2	Referred to Committee on Constitutional Revision and Recreation	502
Feb.	2	Notice of hearing	507
Feb.	18	Indefinitely postponed	706
Feb.	18	Mahoney motion to place on General File pending	707
Feb.	24	Mahoney pending motion lost	764

LEGISLATIVE BILL 993. By Anderson, at request of Governor

Jan.	30	Read first time	481
Feb.	2	Referred to Committee on Miscellaneous Subjects	502
Feb.	4	Notice of hearing	541
Mar.	11	Placed on General File	1085
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 994. By Nebraska Retirement Systems Committee

Feb.	3	Read first time	512
Feb.	3	Referred to Committee on Nebraska Retirement Systems	520
Feb.	3	Notice of hearing	526
Feb.	17	Placed on General File	679
Feb.	26	Referred for review	809
Mar.	1	Placed on Select File	847
Mar.	2	Stoney amendment pending. Bracketed	880
Mar.	4	Unbracketed. Stoney amendment adopted. Stoney pending amendment withdrawn. Referred for engrossment	929
Mar.	5	Correctly engrossed	956
Mar.	10	Final Reading	1033
Mar.	10	Correctly enrolled. President signed	1048
Mar.	11	Presented to Governor	1059
Mar.	12	Approved by Governor	1105

LEGISLATIVE BILL 995. By Education Committee

Feb.	3	Read first time	522
Feb.	3	Referred to Committee on Education	526

Feb.	13	Notice of hearing	669
Feb.	26	Placed on General File	811
Mar.	5	Referred for review	955
Mar.	9	Placed on Select File	1008
Mar.	10	Referred for engrossment	1041
Mar.	12	Correctly engrossed	1089
Mar.	25	Final Reading	1385
Mar.	25	Correctly enrolled. President signed	1391
Mar.	25	Presented to Governor	1399
Mar.	30	Approved by Governor	1502

LEGISLATIVE BILL 996. By Revenue Committee

Feb.	4	Read first time. Referred to Committee on Revenue	548
Feb.	5	Notice of hearing	569
Feb.	24	Placed on General File	772
Feb.	27	Referred for review	838
Mar.	2	Placed on Select File	871
Mar.	3	Referred for engrossment	901
Mar.	4	Replaced on Select File	916
Mar.	5	Referred for engrossment	939
Mar.	8	Correctly engrossed	968
Mar.	11	Final Reading	1063
Mar.	12	Correctly enrolled. President signed	1089
Mar.	12	Presented to Governor	1113
Mar.	16	Approved by Governor	1148

LEGISLATIVE BILL 997. By Agriculture and Environment Committee

Feb.	5	Read first time	567
Feb.	5	Referred to Committee on Agriculture and Environment	569
Feb.	6	Notice of hearing	575
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 998. By Executive Board

Feb.	11	Read first time. Placed on General File	628
Feb.	18	Referred for review	701
Feb.	20	Placed on Select File	727
Feb.	23	Referred for engrossment	749
Feb.	24	Correctly engrossed	760
Feb.	27	Final Reading	827
Mar.	1	Correctly enrolled. President signed	850
Mar.	2	Presented to Governor	869
Mar.	3	Approved by Governor	913

LEGISLATIVE BILL 999. By Urban Affairs Committee

Feb.	11	Read first time	640
Feb.	12	Referred to Committee on Urban Affairs	645

Feb. 13	Notice of hearing	670
Feb. 24	Placed on General File	764
Mar. 5	Referred for review	955
Mar. 9	Placed on Select File	1008
Mar. 10	Referred for engrossment	1041
Mar. 12	Correctly engrossed	1089
Mar. 25	Final Reading	1386
Mar. 25	Correctly enrolled. President signed	1391
Mar. 25	Presented to Governor	1399
Mar. 30	Approved by Governor	1502

LEGISLATIVE BILL 1000. By Banking, Commerce and Insurance Committee

Feb. 11	Read first time	640
Feb. 12	Referred to Committee on Banking, Commerce and Insurance	645
Feb. 18	Notice of hearing	689
Mar. 1	Placed on General File	859
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 1001. By Kelly, at request of Governor

Feb. 12	Read first time	643
Feb. 12	Referred to Committee on Labor	645
Feb. 13	Notice of hearing	669
Mar. 4	Indefinitely postponed	926

LEGISLATIVE BILL 1002. By Public Works Committee

Feb. 12	Read first time	649
Feb. 12	Referred to Committee on Public Works. Notice of hearing	650
Mar. 16	Indefinitely postponed	1154

LEGISLATIVE BILL 1003. By Public Health and Welfare Committee

Feb. 17	Read first time	682
Feb. 17	Referred to Committee on Public Health and Welfare	683
Feb. 17	Notice of hearing	685
Mar. 2	Placed on General File	890
Apr. 7	Indefinitely postponed	1555

LEGISLATIVE BILL 1004. By Appropriations Committee

Feb. 18	Read first time	708
Feb. 18	Placed on General File	709
Feb. 23	Bereuter amendment printed	757
Feb. 25	Bereuter pending amendment withdrawn. Marvel amendment adopted. Burrows amendment lost. Rumery amendment pending. Laid over	784

Feb. 26	Rumery amendment withdrawn. Referred for review	802
Mar. 1	Placed on Select File	846
Mar. 2	Referred for engrossment	879
Mar. 3	Replaced on Select File	897
Mar. 4	Referred for engrossment	929
Mar. 5	Correctly engrossed	956
Mar. 10	Final Reading	1034
Mar. 10	Correctly enrolled. President signed	1048
Mar. 11	Presented to Governor	1059
Mar. 16	Approved by Governor	1148

LEGISLATIVE BILL 1005. By Public Works Committee

Feb. 19	Read first time	719
Feb. 19	Referred to Committee on Public Works. Notice of hearing	725
Feb. 27	Placed on General File	839
Mar. 5	Referred for review	955
Mar. 9	Placed on Select File	1019
Mar. 10	Referred for engrossment	1041
Mar. 12	Correctly engrossed	1089
Mar. 25	Final Reading	1386
Mar. 25	Correctly enrolled. President signed	1391
Mar. 25	Presented to Governor	1399
Mar. 30	Approved by Governor	1502

LEGISLATIVE BILL 1006. By Appropriations Committee

Mar. 11	Read first time	1074
Mar. 11	Placed on General File	1075
Mar. 22	Goodrich amendments printed	1286
Mar. 23	Goodrich amendment adopted. Barnett amendment lost. Referred for review	1319
Mar. 25	Placed on Select File	1368
Mar. 25	Referred for engrossment	1397
Mar. 25	Replaced on Select File	1427
Mar. 25	Referred for engrossment	1430
Mar. 29	Correctly engrossed	1447
Mar. 31	Chambers motion to return to Select File for amendment lost. Final Reading	1546
Mar. 31	Final Reading	1547
Mar. 31	Correctly enrolled. President signed	1550
Mar. 31	Presented to Governor	1551
Apr. 7	Approved by Governor	1567

LEGISLATIVE BILL 1007. By Appropriations Committee

Mar. 11	Read first time	1074
Mar. 11	Placed on General File	1075

Mar.	23	Chambers motion to indefinitely postpone lost. Referred for review	1319
Mar.	25	Placed on Select File	1369
Mar.	25	Referred for engrossment	1397
Mar.	25	Correctly engrossed	1423
Mar.	30	Final Reading	1508
Mar.	30	Correctly enrolled. President signed	1515
Mar.	30	Presented to Governor	1520
Apr.	7	Returned by Governor without approval. Blanket letter	1560
Apr.	7	Returned by Governor without approval	1566
Apr.	7	Motion to override Governor's veto failed	1601
Apr.	7	DeCamp motion to reconsider prevailed	1608
Apr.	7	Motion to override Governor's veto failed	1609

LEGISLATIVE BILL 1008. By Appropriations Committee

Mar.	11	Read first time. Placed on General File	1075
Mar.	23	Clark amendment adopted. Referred for review	1320
Mar.	25	Placed on Select File	1369
Mar.	25	Referred for engrossment	1397
Mar.	25	Correctly engrossed	1423
Mar.	30	Final Reading	1509
Mar.	30	Correctly enrolled. President signed	1515
Mar.	30	Presented to Governor	1520
Apr.	7	Approved by Governor	1568

LEGISLATIVE BILL 1009. By Appropriations Committee

Mar.	11	Read first time. Placed on General File	1075
Mar.	23	Barnett motion to indefinitely postpone lost. Failed to advance for review	1320
Apr.	7	Indefinitely postponed	1555

LEGISLATIVE BILL 1010. By Appropriations Committee

Mar.	11	Read first time. Placed on General File	1075
Mar.	23	Referred for review	1322
Mar.	25	Placed on Select File	1369
Mar.	25	Referred for engrossment	1397
Mar.	25	Correctly engrossed	1423
Mar.	30	Final Reading	1510
Mar.	30	Correctly enrolled. President signed	1515
Mar.	30	Presented to Governor	1520
Apr.	7	Approved by Governor	1568

LEGISLATIVE BILL 1011. By Appropriations Committee

Mar.	15	Read first time. Placed on General File	1123
Mar.	23	Referred for review	1322
Mar.	25	Placed on Select File	1369

Mar.	25	Referred for engrossment	1398
Mar.	25	Correctly engrossed	1423
Mar.	30	Final Reading	1511
Mar.	31	Reconsidered	1526
Mar.	31	Final Reading	1527
Mar.	31	Correctly enrolled	1537
Mar.	31	President signed	1538
Mar.	31	Presented to Governor	1548
Apr.	7	Returned by Governor without approval. Blanket letter	1560
Apr.	7	Returned by Governor without approval	1576
Apr.	7	Attorney General Opinion	1577
Apr.	7	Motion to override Governor's veto failed	1608
Apr.	9	Attorney General Opinion	1624

LEGISLATIVE BILLS

By Original Introducers*

GARY L. ANDERSON

780 Relating to motor vehicles; increase fees.
810 Relating to the National Guard; provide a monetary death benefit.
918 Provide for an income tax checkoff for political parties; create the Nebraska Election Campaign Fund.
937 Provide for establishment of recreational trails in state.
937A Appropriation bill.
938 Provide for new methods of computing unearned interest charges on installment loans.
962 Constitutional Amendment to provide that no land or other property owned and dedicated for park or recreation purposes shall be subject to condemnation.
993 Create the Department of Public Institutions Alcoholism Cash Fund.

WALLY BARNETT, JR.

None

DOUGLAS BEREUTER

725 Reduce the amount of administration fee for collecting taxes imposed by municipalities.
739 To rename the Office of Revisory of Statutes as the Division of Statute Revision and Legal Services.
764 Relating to Uniform Anatomical Gift Act; provide that the next of kin may not revoke a donation.
827 Relating to motor vehicles registration; increase registration fees.
834 Constitutional Amendment relating to revenue; provide that land covered by water may receive special tax exemption.
835 Relating to state park system.
846 Relating to motor vehicle operators' licenses; provide an exemption for certain full-time students.
879 Authorize establishment of mental retardation region governing boards.
880 Relating to elections; provide that copies of initiative petitions shall be sent to county court of each county.
910 Create the Office of the Consumer Counsel.

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* See also Bills Introduced by Committees, page 1799 and Chronology of Bills, page 1641.

JULES W. BURBACH

202A	Appropriation bill.
812	Authorize Game and Pards Commission to convey certain land as described.
883	Increase certain cash and revolving fund appropriations.
971	Relating to health insurance for state employees.
971A	Appropriation bill.
972	Change appropriations for certain agencies.
974	Relating to Beatrice State Home; change name.
975	To make appropriations for the expense of state government for period of July 1, 1976 to June 30, 1977.
976	Appropriations to various agencies for period July 1, 1976 to June 30, 1977 for state aid payments and costs.
977	Delete provisions relating to expenses and administrative costs of Transportation Services Bureau.
978	Change the name of the Department of Public Welfare to Department of Human Resources.
979	Appropriation for payment of salaries of members of Nebraska Legislature.
980	Provide for payment of salaries of officers of Nebraska State Government.
981	Provide exceptions to Nebraska State Insurance Program for University of Nebraska and state college employees.
982	Relating to elected constitutional officers; limit the amount of money spent by candidates for public office.
983	Relating to technical community colleges; change powers and duties of the board relating to audits.
984	Relating to appropriations; provide authorizations; make appropriations for capital construction.
985	Make an appropriation for the expenses of Nebraska Mental Retardation Panel for period July 1, 1976 to June 30, 1977.

GEORGE W. BURROWS

694	Relates to residential facilities for mentally retarded individuals.
767	Relating to DAS; provide that Director shall not issue warrants in certain situations.
797	Constitutional Amendment relating to Legislature; change basis which salary of members of the Legislature is computed.
811	Adopt the Nebraska Wage Payment Collection Act.
829	Increase appropriations for cottages at Beatrice State Home.
830	Relating to mental retardation regions; to require that regions file revenue and expenditure reports.
864	Provide for authorization of deductions from salaries and wages by employees of school districts.

CALVIN F. CARSTEN

651 Changes fixed tax overlevy to a floating one at discretion of State Board of Equalization.
836 Include entire state in brand inspection area.

JOHN J. CAVANAUGH, III

711 Provides for establishment of landmark heritage preservation districts.
738 To establish classification standards for modernized vintage vehicles.
783 Relating to lobbying; lower registration fee; change information required.
788 Relating to public records; provide legislative intent; provide duties of public bodies.
809 To adopt the Nebraska Hospital Mutual Insurance Association Act.
817 Constitutional Amendment relating to Supreme Court; provide for nine members of Supreme Court.
887 Adopt the Family Rights and Privacy Act of Nebraska.
888 Relating to delinquent taxes and special assessments.
889 Relating to sanitary and improvement districts; provide that members of the board of trustees be elected at a special election.

ERNEST CHAMBERS

702 Abolishes the death penalty.
727 Provide for election of city council members by districts in metropolitan class cities.
728 Exempt food and food products from sales and use taxes.
784 Provide for discretionary assessment of points for traffic violations.
792 Eliminate administrative revocation of a driver's license for refusal to take a chemical test.
901 Relating to lotteries.
963 Declare certain electrical dart guns as dangerous weapons.

ROBERT L. CLARK

624 Bans travel expenses for Liquor Commission.
625 Special permits from the State Patrol.
680 Provides a standard of gross negligence for a suit of medical malpractice.
687 Authorizes appointment of a deputy public counsel for corrections.
687A Appropriation bill.

737	Provide that Game and Parks Commission may acquire certain lands.
771	Provide that fee for nonresident hunting and fishing permits shall be same as a similar nonresident fee charged in home state of permit holder.
772	Provide for jury sentencing of persons convicted of homicide.
773	Provide more freedom for conveyance of real estate by municipalities.
903	Relating to state funds; to change the distribution of certain payments.

RON COPE

742	Relating to public health and welfare; remove requirement that all mobile homes and recreational vehicles have certifying seal.
845	Relating to DAS; establish a preventive maintenance system within the state building division.
900	Relating to taxation.

JOHN W. DECAMP

779	Providing state funding for certain recreation projects and fish and wildlife enhancement projects.
782	Provide for the creation of law enforcement reserve forces by counties or cities.
813	Relating to militia; provide legal counsel at state expense.
931	Provide when alcoholic liquor may be dispensed.
933	Relating to corporate farm reports; require that the Secretary of State destroy records as prescribed.
934	Provide for legislative review of each state agency to simplify and condense administrative powers and duties.
935	Require rate approval of gas rates by the Public Service Commission.
950	Provide additional points for professional drivers before revocation of license.
968	Adopt Physicians' Unincorporated Mutual Insurance Association Act.
	809 with others.

JAMES A. DICKINSON

715	Relating to natural resources.
716	Relating to membership on boards of health.

HERBERT J. DUIS

646 Exempts certain pension premiums from insurance taxation.
647 Exempts from state licensing frozen food lockers or processing plants which are federally inspected.
648 Raises school transportation allowance.
840 Relating to workmen's compensation; authorize a waiver of coverage and termination of waiver as prescribed.
899 Relating to State Real Estate Commission; annual license renewal fee.

DONALD N. DWORAK

688 Removes requirement of electing a water commissioner in cities of the first class.
697 Increase in judges' salary.
697A Appropriation bill.
701 Creates a new class of sale license for alcoholic liquors.
793 Relating to public meetings; provide that an agenda may be requested.
839 Relating to cabin trailers; provide penalty for failing to apply timely for a permit.
861 Relating to game and fish; provide for a habitat stamp.
878 Relating to schools; provide that certain districts shall be dissolved.
907 Provide that transportation shall be permissive for Class III districts schools.
964 Relating to insurance; provide certain limitations on reinsurance agreements and retrocession agreements.
819 with others.

THOMAS S. FITZGERALD

454A Appropriation bill.
732 Provide that foreign products offered for sale shall be advertised as such.
815 Appropriation to the Military Department.

STEVE FOWLER

673 Increases annual salary for reserve teachers.
673A Appropriation bill.
695 Relates to distribution of highway funds.
698 Requires that polling places and voting booths be constructed to provide free access by physically handicapped.
712 Relating to judgments.

723 Provide exemptions to persons who are not heads of families.
791 Provide for a moratorium on construction of nuclear power facilities.
902 Establish the State Energy Office.

WALTER GEORGE

686 Raises limitation on amount of contracts in which county oficers may be interested.
928 Constitutional Amendment relating to the Legislature; provide that salaries for members shall be set by a vote of county board chairmen.
936 Require that owner of a motor vehicle shall demonstrate certificate of liability insurance before registering motor vehicle.
957 Provide that a salary increase for city council members and county board members shall be valid only upon 2/3rds vote of the council or board.
967 Relating to support of Indians.

GLENN A. GOODRICH

667 Constitutional Amendment permitting political subdivisions to buy, sell and lease certain property.
781 Relating to motor vehicle operators' licenses; require color photographs on license.
781A Appropriation bill.
838 Relating to UNO; authorize capital construction projects.
847 Change administration of Nebraska wing of the Civil Air Patrol.
911 Redefine what shall be deemed a boarding house.
939 Provide a deficiency appropriation for welfare patients in nursing homes.
961 Increase the examination fee for candidates for a certificate of certified public accountant.

WILLIAM H. HASEBROOCK

635 Permits Nebraska Bicentennial Commission to produce various commemorative items.
699 Expands the duties of the Office of Attorney General.
921 Exempt from sales and use taxes meals and food products provided to elderly.

E. THOME JOHNSON

800 Relating to county extension work; update statutes dealing with county extension work.

RALPH D. KELLY

669	Establishes juvenile courts in counties with a population of 40,000 or more.
670	Allows four individuals to be appointed to the Nebraska Hall of Fame in 1976.
671	Specifies the time period for airport leases.
765	Relating to labor; provide public employees need not recognize supervisors in employee negotiating units.
766	Clarify application of sales and use tax to flight instruction and charter services.
801	Relating to lotteries and trading stamps; require permits and financial responsibility.
1001	Revise the period of disqualification applicable to individuals claiming unemployment benefits.

THOMAS C. KENNEDY

628	Repeals existing law relating to reflective bike tires.

ORVAL A. KEYES

649	Allows dependent health insurance to continue to age 23.
650	Reclassification of streets and highways.
660	Permits credit unions to use electronic transmission terminals.
681	Environmental standards for strip mining.
736	Provide that meetings of public bodies may be conducted in barrier-free buildings.
786	Provide an extension of the filing date for tax exempt status.
802	Provide a county civil service commission by election.
885	Relating to Commission on Fire Fighting; change membership of the Commission.
941	Provide tax-exempt status for property used by nonprofit entities for housing the elderly, etc.
951	Provide for reduction of premiums if the liability of any insurer has been reduced by other valid insurance policies.

OTHO G. KIME

685	Establishes maximum length of livestock forage vehicles.
769	Provide procedures for partial payment of delinquent personal property taxes.
782A	Appropriation bill.
920	Provide that the tuition of certain high school students attending school outside their school district may be paid.

GERALD D. KOCH

630	Establishes parole board nominating commission.
630A	Appropriation bill.
631	$15 million increase in state aid to schools.
631A	Appropriation bill.
632	Relates to marriage license and requires the female to be immune from German measles.
633	Imposes a one year prison term for carrying a firearm during the commission of a felony.
661	Transfers from the Library Commission to DPI certain materials.
705	Changes membership and duties of State Personnel Board.
726	Provide members of Educational Service Unit boards be appointed.
803	Provide that funds collected by county treasurers for school purposes be distributed to school districts monthly.
866	Provide for nonresident school education for pupils in 7th and 8th grade.
867	Relating to Nebraska Veterans' Aid Fund; increase such fund.
867A	Appropriation bill.

MAURICE A. KREMER

795	Provide exemptions from the construction of artificial obstructions in floodways or flood plains.
795A	Appropriation bill.
906	Exempt private, denominational and parochial schools from the laws applicable to public schools.

FRANK LEWIS

579A	Appropriation bill.
664	Increases membership of the Metro Transit System Board.
665	Increases the Board size of the Metro Utilities district.
689	Provides for the establishment of a county civil service commission.
761A	Appropriation bill.
804	Provide an income tax exemption for elderly persons.
849	Relating to Nebraska State Patrol; provide for a uniform and cleaning allowance.
849A	Appropriation bill.
850	Provide a maximum amount to be placed in the Personal Property Tax Relief Fund.
851	Reduce the percent exemption from actual value of personal property.
897	Grant increased authority to create and improve sewer and water districts in cities of the 1st class.

914 Provide limitation on the maximum personal property tax exemption.

956 Relating to public records; clarify language and harmonize provisions.

RICHARD LEWIS

741 Provide for certification to practice clinical psychology.

805 Change the requirement for legal publication on public hearings for sale or lease of real estate owned by the county.

860 Relating to Nebraska Probate Code; change the operative date.

ROLAND A.LUEDTKE

710 Increases salary for judges on Court of Industrial Relations.

862 Relating to Public Service Commission; provide standards in establishing rate and range of return for telephone companies in rate cases.

947 Provide that the State Board of Education may acquire liability insurance.

960 Relating to bonds of the state and of political subdivisions.

EUGENE T. MAHONEY

990 Relating to husband and wife; delete reference to idiots.

991 Relating to Natural Gas Pipe Line Safety Act of 1969.

992 Constitutional Amendment relating to Legislature; provide for biennial sessions of limited length.

RICHARD MARESH

693 Establishes certain procedures for county community buildings.

762 Create 7 technical community college areas.

828 Relating to University of Nebraska at Lincoln; create an advisory committee.

863 Relating to taxation; delete exemption from sales tax.

922 Provide for issuance of class C license to State Board of Agriculture.

SHIRLEY MARSH

641 Regulates and standardizes State Records Management practices.

679 Outlines reporting procedures for child abuse cases.

714 Require a license to practice audiology or speech pathology.

733 Relating to State Board of Education; to change authority for publications and use of the proceeds of sale.

785 Relating to Professional Practices Commission; change size, composition and method of appointments.
898 Authorize Department of Public Institutions to sell certain land.

RICHARD D. MARVEL

659 Creates a new state academy of sciences.
825 Change and provide revenue bond provisions relating to cities of 1st, 2nd class and villages.
903 with others.

JACK D. MILLS

642 Revises licensing requirements for grain elevators.
819 Revise conditions disqualifying individuals from receiving unemployment benefits.

HAROLD T. MOYLAN

627 Regulates the sale and distribution of hypodermic needles.
652 Changes membership of Alcoholism Commission.
653 Permits revocation of hunting and fishing licenses for certain offenses.
672 Requires that a certificate of taxes paid be presented before an instrument may be filed or recorded.
675 Increases the assessment rate for the collection of delinquent taxes.
894 Provide a credit against tax for improvements to real property.
908 Relating to juvenile courts; to eliminate procedures for revoking probation or supervision.
909 Allow drug product selection by a pharmacist.

JOHN R. MURPHY

837 Relating to certificates of title; provide when motor vehicles shall be subject to Article 9, Uniform Commercial Code.
916 Change provisions relating to the merging of domestic stock insurance companies.
917 Adopt the Professional Liability Insurance Availability Act.
948 Adopt Nebraska Cooperative Credit Union Guaranty Corporation Act.

WILLIAM NICHOL

655 Requires that certain trustees must be licensed to do business in Nebraska.
656 Changes petition requirements in first class cities relating to paving materials.

657	Repeals publication requirement of estimated first class city expenditures.
658	Limits number of liquor licenses in counties.
678	Repeals a section relating to bridges.
709	Election at large for Class V School Districts.
740	Provide that certain counties may require payment of an annual registration fee for motor vehicles.
966	Relating to liquors; redefine hotel.

DENNIS L. RASMUSSEN

668	Increases the value of inherited property exempted from the state inheritance tax.
904	Relating to the Uniform Limited Partnership Act.

MYRON RUMERY

634	Permits state to lease office space from the hospital corporation in North Platte.
634A	Appropriation bill.
722	Relating to bee husbandry; change the entry requirements.
790	Relating to plumbing inspections.
826	Relating to research; provide a duty; provide limitation on research.
826A	Appropriation bill.

JOHN S. SAVAGE

696	Allows county board discretion to set interest rate on money borrowed.
708	Exempts metropolitan cities from licensing and control of solid waste disposal systems.
763	Relating to building and loan associations; provide same advantages as federal savings and loan associations.
881	Relating to rates for publication of legal notices.

LORAN SCHMIT

703	Medical malpractice legislation.
923	Relating to revenue and taxation; redefine qualified claimant for homestead exemption.
924	Provide that persons receiving unemployment compensation shall take public service employment.
925	Provide for certification of drug treatment and rehabilitation facilities.
926	Provide for additional information for child support proceedings.

927 Relating to Department of Public Institutions; authorize the Department to acquire prescribed properties in Wahoo.
942 Relating to bail; provide the judge with greater discretion in requiring bond.
949 Relating to Commission on Mexican-Americans.
958 Provide duties of State Investment Officer, etc.
959 Require that a notice of a tax sale be posted on property to be sold.

HAROLD D. SIMPSON

677 Increases Workmen's compensation benefits.
700 Authorizes the certain sales of alcoholic liquor to persons within motor vehicles.
818 Relating to practice of medical technology; provide for licensure.
891 Relating to the Court of Industrial Relations; provide additional powers to the Court.

WILLIAM R. SKARDA

886 Provide for mandatory motor vehicle liability insurance.

LARRY D. STONEY

704 Expands notary public capabilities.
832 Provide certain political subdivisions which engage in criminal identification and criminal history record information activities be designated criminal justice agencies.
833 Relating to schools; provide uniform standards for first issuance of certificates or permits valid for teaching only.

LESLIE A. STULL

629 Relates to Small Claims Court jurisdiction.
720 Relating to motor vehicle fuels; change provisions relating to claims for gasoline tax credit.
721 Relating to brands and marks; increase fees; change provisions relating to expired brands.
915 Relating to housing.
929 Relating to comprehensive development plans.

WARREN R. SWIGART

662 Constitutional Amendment to permit the members of the Legislature to receive reimbursement for travel.
663 Exempts nursing homes from property tax.
719 Relating to cities of the metropolitan class; expand the categories of individuals required to register vehicles.

787 Relating to elections; change the time of the county post-primary convention.

796 Provide that metropolitan class cities assess costs for enlarging of sewerage and drainage systems.

816 Permit voluntary recitation of the Lord's Prayer and pledge of allegiance to the flag in public elementary schools.

946 Relating to public contracts; prohibit certain commitments, obligations and contracts.

GEORGE SYAS

865 Relating to courts; increase fees in municipal courts.

JEROME WARNER

759 Relating to Auditor of Public Accounts; provide methods for signing certificates on bonds.

760 Redesignate schools as vocational or correspondence.

822 Provide for ex officio or advisory members to public service and utility boards of any city or village.

823 Provide an additional tolerance for overweight vehicles.

824 Change the preparation date for state budgets.

912 Relating to weed eradication and control.

919 Relating to property taxation; restate the method of levying taxes.

IRVING WILTSE

895 Increase minimum penalties for no-fund or insufficient fund checks and other instruments.

896 Authorize offerings of securities made pursuant to federal standards.

LEGISLATIVE BILLS INTRODUCED BY COMMITTEES

AGRICULTURE AND ENVIRONMENT

332A	Appropriation bill.
777	Relating to motor vehicles, provide emission control standards.
778	Provide Board of Educational Lands and Funds with powers and duties relating to lands leased under crop-share agreement or cash-rent program.
798	Appropriate $165,000 from the General Fund to the University of Nebraska to aid students in receiving instruction in required courses in veterinary medicine and surgery.
841	Relating to the Agricultural Products Industrial Utilization Committee
843	Adopt the Nebraska Pesticides and Devices Act.
954	Adopt the Nebraska Commodity Enabling Act.
997	Relating to liens; to change provisions relating to the priorty as prescribed.

APPROPRIATIONS

676	Increases appropriation to the Board of Educational Lands and Funds.
682	Appropriation measure for Legislative Council.
683	Appropriation for salaries for Senators.
684	Appropriation for Personal Property Tax Relief Fund and Governmental Subdivision Fund.
690	Appropriation bill for higher education.
691	Appropriation bill for certain state government agencies.
743	Provide for payment of salaries of officers of Nebraska state government.
842	Revise expenditures from Teachers' Certification Fund.
868	Provide that Tax Commissioner set the amount of the Tax Refund Fund.
869	Create the Department of Corrections Services Facility Cash Fund.
870	Relating to schools; increase certificate and permit fees.
871	Relating to support of Indians.
871A	Appropriation bill.
905	Provide for a population study of American Indians in Nebraska.
940	Provide that Board of Educational Lands and Funds shall be responsible for control of noxious weeds.
944	Relating to water pollution control provide funding for wastewater treatment facilities.
1004	Appropriations and reappropriations for previously authorized capital construction.

1006 Provide for downtown education center and office building in Omaha.
1007 Authorize capital construction project at UNO.
1008 Authorize capital installation and modifications at UNL.
1009 Authorize construction of cardiovascular complex at UN Medical Center.
1010 Authorize funds for repair of fire damage at University of Nebraska.
1011 Authorize Board of Trustees to acquire Major's Hall on Peru State College.

BANKING, COMMERCE AND INSURANCE

930 Relating to insurance; prescribe additional acts which are unfair practices.
943 Increase the amount of interest allowed on loans against an insurance policy.
1000 Provide that a corporation may limit or deny voting rights to certain classes of stock.

CONSTITUTIONAL REVISION AND RECREATION

717 Provide Game and Parks Commission may establish cash funds.

EDUCATION

626 Relates to the sale of certain educational lands.
666 Changes the provision relating to appropriation of public funds to schools.
752 Increase appropriation to State Education Department.
753 Relating to appropriations; resore cuts in appropriations.
754 Relating to education of handicapped children.
755 Relating to schools; to restrict state liability for tuition payments.
756 Relating to appropriations; rearrange cuts in appropriations.
757 Make the fiscal year of all school districts uniform.
758 Relating to State Department of Education Trust Fund; provide for emergency cash fund.
761 Relating to care and education of handicapped children.
852 Change provisions relating to transportation allowance for students attending school in a Class V school district.
853 Provide that employment contracts for teachers or administrators not restrict certain rights.
854 Establish employee tuition reimbursement and training programs for state employees.
855 Allow the treasurer of any Class IV or V school district the power to invest funds in securities eligible for investment by State Investment Officer.

953 Relating to schools.
965 Relating to educational service units.
995 Relating to the University of Nebraska, to provide an additional college.

EXECUTIVE BOARD

713 Relating to renewal of motor vehicle registrations.
718 Eliminate requirement that Clerk of the Legislature bind the looseleaf Journal copies.
789 Providing additional duties for the Executive Board; authorize employment of legal counsel.
799 Relating to the Legislature; provide for divisions within the Legislative Council; designate administrators and provide duties.
844 Provide that certain commissions and agencies may receive gifts and bequests subject to legislative approval.
986 Relating to the capitol building; provide for the assignment and reassignment of space.
987 Adopt the Nebraska Political Accountability and Disclosure Act.
998 Relating to state agencies; authorize participation in federal excess property program.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

890 Provide blanket surety bond coverage for state employees.

JUDICIARY

614 Technical amendments relating to the military code.
615 Transfers files from the Clerk of the Legislature.
616 Technical amendments relating to interest.
617 Technical amendments relating to motor vehicles.
618 Harmonizes election laws.
619 Technical amendments relating to accountants.
620 Harmonizes mental health legislation.
621 Harmonizes Department of Correctional Services legislation.
622 Technical amendments relating to notary public.
623 Revision of Nebraska Criminal Code.
636 Enforcement of child support.
637 Enforcement of child support.
638 Imposes federal guidelines with regard to sex discrimination and lending.
639 Requires written report of Parole Board action.
640 Provides immunity for testimony before a judicial nomination committee.
654 Uniform paternity blood samples.

706 Companion bill to criminal code revision.
707 Companion bill to criminal code revision.
744 Adopt the Nebraska Crime Victim's Reparation Act.
745 Provide that acts of discrimination based upon sex or marital status shall be unlawful.
746 Relating to the Department of Justice; create the office of Prosecutor Services within the Department of Justice.
747 Provide that legal age of marriage shall be 17.
748 Adopt the Nebraska Restitution Employment Furlough Act.
749 Relating to professional corporations; change requirements by regulating board prior to issuing a certificate of registration.
750 Provide for subpoenas issued at the request of any agency of state government.
751 Relating to Nebraska Fair Employment Practice Act.
807 Relating to municipal judges; increase the number of judges.
808 Constitutional Amendment relating to additional situations when bail may be denied.
856 Relating to decedents' estates; provide procedures for appeal of county court decisions.
857 Authorize the appointment of two acting municipal judges.
858 Relating to real property; change the time for enforcement of an order of restitution.
859 Relating to replevin; change the time in which hearing shall be held.
892 Provide for deposit of an operator's license as security to appear in court.
893 Remove a restriction on suspension or impoundment of an operator's license.
913 Provide that the state shall not impair the civil marriage contract.

LABOR

814 Provide for overtime compensation to state employees.
848 Provide penalties for any employee or labor organization which fails to use procedures in Chapter 48, Article 8 for settling industrial disputes.
970 Relating to workmen's compensation claims against the state.
988 To disallow certain claims against the state.
989 Appropriations for payment of miscellaneous claims against the state.

MISCELLANEOUS SUBJECTS

872 Relating to alcoholic liquors; provide for salesmen's permits for representatives of manufacturers or distributors.
873 Adopt the American Indian Arts and Crafts Sales Act.

874	Relating to Consumer Protection Act; to provide powers and duties of the Attorney General.
875	Relating to liquors; provide for licensed sales territories.
876	Relating to alcoholic liquors; delete obsolete matter concerning bottle clubs.
882	Provide persons 16 years old or older may sell beer and dispose of alcoholic containers in the course of their employment.
952	Relating to Nebraska Commission on Law Enforcement and Criminal Justice; change membership.

NEBRASKA RETIREMENT SYSTEMS

30A	Appropriation
643	Gives option to public employees as to when they can start retirement annuity.
644	Reduces pension annuity for public employees if there is early retirement.
645	Clarifies death benefit retirement language.
30A	Appropriation bill.
770	Constitutional Amendment to provide that each member of Legislature shall receive a per diem.
831	Relating to judges retirement.
994	Provide retirement benefits for members of a retirement system in Class V school district who retire or terminate employment after August 31, 1976.

NEBRASKA TRANSPORTATION ADVISORY

724	Provide six classifications for rural highways.

PUBLIC HEALTH AND WELFARE

545A	Appropriation bill.
674	Vocational rehabilitation for the blind.
674A	Appropriation bill.
692	Permits the Board of Nursing to set fees.
703A	Appropriation bill.
734	Relating to Uniform Anatomical Gift Act; provide for notation on motor vehicle operators' licenses.
735	o adopt the Medical Liability Act of 1976.
794	Provide for transfer of employee benefits when the status of employees has been changed by legislative action.
794A	Appropriation bill.
806	Relating to mental health.
806A	Appropriation bill.
877	Relating to health licensure; provide additional grounds for denial.

973 Provide for the licensing of entities providing home health services.
1003 Relating to prehospital emergency medical care.

PUBLIC WORKS

820 Relating to Uniform Deceptive Trade Practices Act; provide that sellers may repair, adjust and replace parts.
821 To adopt Nebraska Safe Drinking Water Act.
955 Provide for the regulation of construction of water wells.
969 Require the notification of lessees of school lands by registered mail of new valuations.
1002 Adopt the Nebraska Water Rights Registration Act.
1005 Provide powers to contract for generation or transmission of electric power and energy.

REVENUE

729 Relating to Nebraska Budget Act regarding subdivisions.
730 Relating to Nebraska Budget Act; contests of budget statements.
731 Provide for publication of notice of noncompliance of Nebraska Budget Act.
884 Provide for transfer of registration of motor vehicles.
996 Relating to revenue and taxation.

TELECOMMUNICATIONS

768 Relating to Public Service Commission; make provisions for telephone companies to establish rates for new service.

URBAN AFFAIRS

774 Confer additional authority upon police in cities regarding investigation of a complaint concerning vicious dogs.
775 Provide that one appraiser in an eminent domain proceeding shall be licensed real estate appraiser.
776 Clarify a reference to auditing procedures for certain municipalities.
945 Repeal Sec. 77-1605.01.
999 Relating to the release of a reversionary interest.

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Chairman – Loran Schmit

LR1 319 332 559 642 647 681 708
715 721 722 777 778 800 826 836
841 843 911 912 929 933

Appropriations

Chairman – Richard D. Marvel

LR17 314 390 442 471 549 552 554
676 682 683 684 690 691 743 752
753 756 798 815 824 829 838 847
867 868 869 871 883 903 927 939
944 972 975 976 977 979 980 984
985

Banking, Commerce and Insurance

Chairman – John R. Murphy

399 465 512 602 638 649 660 704
763 809 886 896 899 916 930 936
938 943 948 951 958 960 964 980
991 1000

Constitutional Revision and Recreation

Chairman – George Syas

LR8 LR106 296 576 653 662 663 666
667 717 737 770 771 779 797 808
812 817 834 835 861 928 937 941
962 992

Education

Chairman – Frank Lewis

LR110 178 364 456 462 592 594 626
631 648 673 726 733 754 755 757
758 760 761 762 785 803 816 833
842 852 853 854 855 866 870 878
887 906 907 920 940 947 953 965
983 995

Government, Military and Veterans Affairs

Chairman – Dennis L. Rasmussen

LR120 144 182 516 531 539 591 595
630 635 641 652 659 661 671 672
686 689 693 696 698 699 705 709
727 736 740 759 767 787 793 802
805 810 845 880 885 890 902 934
946 967 982

Judiciary

Chairman – Roland Luedtke

LR44 250 338 373 479 540 558 568
570 585 601 623 629 633 636 637
639 640 654 655 669 679 687 697
702 706 707 712 718 723 739 744
745 746 747 748 749 750 751 772
782 807 813 832 856 857 858 859
860 865 892 893 895 904 908 913
926 942 963 990

Labor

Chairman – Richard Maresh

677 710 811 814 819 828 840 848
864 891 924 970 988 989 1001

Miscellaneous Subjects

Chairman – Gary L. Anderson

228 326 385 411 505 524 566 624
634 658 664 665 670 700 701 732
783 788 789 799 801 844 849 872
873 874 875 876 881 882 898 901
905 922 931 932 952 961 966 986
987 993

Nebraska Retirement Systems

Chairman – William H. Hasebroock

29 33 40 64 89 358 532 643
644 645 831 971 994

Nebraska Transportation Advisory

Chairman – Leslie A. Stull

LR26

Public Health and Welfare

Chairman – Thomas C. Kennedy

25 65 159 450 602 627 632 674
680 692 694 703 714 716 734 735
741 742 764 794 806 818 830 877
879 909 915 917 925 968 973 974
978 1003

Public Works

Chairman – Maurice A. Kremer

146 147 268 478 625 628 650 678
685 724 738 768 780 781 784 791
792 795 820 821 823 827 837 839
846 862 889 910 935 950 955 969
1002 1005

Revenue

Chairman – Calvin F. Carsten

124 362 506 646 651 668 675 720
725 728 729 730 731 766 769 786
804 850 851 863 884 888 894 900
914 918 919 921 923 959 996

Telecommunications

Chairman – Robert L. Clark

426

Urban Affairs

Chairman – Steve Fowler

84 154 161 459 656 657 688 695
711 719 765 773 774 775 776 790
796 822 825 897 957 999

SUMMARY OF LEGISLATIVE BILLS

The following table shows the final disposition of each bill

Length 62 days

Total Number of Bills Introduced, 84th Legislature	1011
Total Number of "A" Bills Introduced, 84th Legislature	29
Total Number of Carryover Bills, 1st Session	169
Total Number of Carryover "A" Bills, 1st Session.	3
Total Number of New Bills, 2nd Session	398
Total Number of New "A" Bills, 2nd Session	26
Total Number of Resolutions Introduced	100
Total Number of Bills to Become Law	216

Approved by the Governor, 207:

25	30	30A	33	37	65	76	91
174	175	176	180	180A	202	204	219
239	248	265	266	275	296	299	310
313	329	332	332A*	382	383	386	413
425	426	431	434	440	441	442	445
460	464	485	487	495	502	503	514
515	519	521	534	535	536	545	561
569	579	581	583	584	585	586	587
596	614	615	616	617	618	619	620
621	622	626	628	629	634	634A	635
640	641	642	643	644	645	647	649
651	655	657	660	665	666CA	667CA	669
670	671	673	673A	674	674A	675	676
678	682	683	684	686	688	691*	692
696	704	710	711	713	715	716	717
718	721	722	724	733	743	749	750
756	757	758	759	763	764	768	775
776	779	782	782A	786	787	795	795A
797CA	798	803	805	806	806A	809	812
819	820	821	823	825	833	839	841
846	847	852	858	859	861	867	867A
868	869	871	871A	877	883	884	898
899	903	905	911	916	917	920	926
944	948	961	971	971A	972*	974	977
984*	986	987	989	990	994	995	996
998	999	1004	1005	1006	1008	1010	

*Line item veto

Returned by Governor Without Approval, 11:

177 182 477 652 687A 781 826 826A
863 1007 1011

Passed Over Objections of Governor, 9:

454 454A 687 690* 752* 761 761A 794
794A

Became Law Without Governor's Signature, 0.

Failed on Final Reading, 8:

120 339 348 432 491 574 781 799

Indefinitely Postponed, 349:

29 40CA 64 84 89 124 144 146
147 148 154 159 161 167 178 197
202A 210 225 228 232 250 268 272
275A 280CA 314 319 326 338 343 346
350 358 362 364 372 373 385 388CA
390 394 398 399 409 411 412 433
444 450 451 455 456 458 459 462
465 471 478 479 488CA 499 505 506
512 516 524 531 532 533 539 540
544 545A 546 549 552 554 558 559
565 566 568 570 576 579A 590 591
592 594 595 597 601 602 608 613
623 624 625 627 630 630A 631 631A
632 633 636 637 638 639 646 648
650 654 656 658 659 661 662CA 663CA
664 668 672 677 679 680 681 685
689 693 694 695 697 697A 698 700
701 702 703 703A 705 706 707 709
712 714 719 720 723 725 726 727
728 729 730 731 732 734 735 736
737 738 739 741 742 744 745 746
747 748 751 753 754 755 760 762
765 766 767 769 770CA 771 772 773
774 777 778 780 783 784 785 788
789 790 791 792 793 796 800 801
802 804 807 808CA 810 811 813 814
815 816 817CA 818 822 824 827 828
829 830 831 832 834CA 835 836 837
838 840 842 843 844 845 848 849

849A 850 851 853 854 855 856 857
860 862 864 865 866 872 873 874
875 876 878 879 880 881 882 885
886 887 888 889 890 891 892 893
894 895 896 897 900 901 902 904
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915 918 919 921 922 923 924 925
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953 954 955 956 957 958 959 960
962CA 963 964 965 966 967 968 969
970 973 975 976 978 979 980 981
982 983 985 988 991 992 993 997
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7 405 405A 653 699 708 740 870
945

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LR8

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